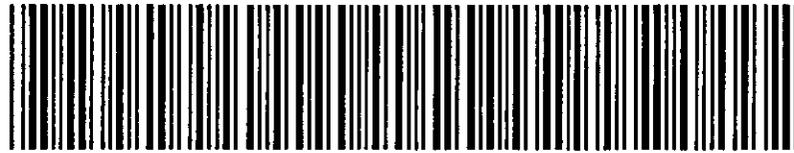


Planning Board



1992



TOWN OF URBANA PLANNING MEETING
DECEMBER 2, 1992

PRESENT: Mardo Doherty, Member
Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member
William Venema, Chairman
Roxanne Gaylord, Recording Secretary

PUBLIC: Marie Stopka
PRESENT: Ed Vought

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Marie Stopka at 7:03 P.M.E.S.T. Affidavit of Publication is on file. Mrs. Stopka was present to answer questions. The Board examined the survey map and determined that frontage and area requirements had been met. Chairman Venema advised Mrs. Stopka that two additional copies of the survey map would be required to complete the application. Mrs. Stopka stated that she had several copies at home and would provide two more copies to the Board. It was noted that copies of the deed, paid tax receipts, tax map and SEQR, Part 1, were present. As there were no further comments or questions regarding this matter, the Public Hearing was closed at 7:08 P.M.E.S.T.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, and completed Part 2. All items having been checked "No," it was the unanimous opinion of the Planning Board that this division of land would not have any significant environmental impact. A motion was made by Robert Magee that the Planning Board place in its file a written Notice of Determination of Non-Significance (Negative Declaration) and request that Attorney Flynn prepare the Negative Declaration and file it. The motion was seconded by Mardo Doherty. Roll call vote was taken:

Mardo Doherty -- Aye
Robert Magee -- Aye
Jim Presley -- Aye
Randy Robinson -- Aye
Chairman Venema -- Aye

Consistent with the foregoing procedures, Robert Magee made a motion to approve the Stopka Minor Subdivision Application and instruct the Chairman to sign the survey. Randy Robinson seconded this motion. Roll call vote was taken:

Mardo Doherty -- Aye
Robert Magee -- Aye
Jim Presley -- Aye
Randy Robinson -- Aye
Chairman Venema -- Aye

Chairman Venema opened the Regular Meeting at 7:16 P.M.E.S.T. Robert Magee proposed two corrections to the minutes of the November 18, 1992, meeting. Randy Robinson also proposed an addition to these minutes. Robert Magee made a motion to approve the minutes of the November 18, 1992, meeting as amended. Jim Presley seconded the

motion. The motion carried, all voting "aye," except Mardo Doherty, who abstained. The secretary was instructed to make these revisions and prepare corrected copies for the Board.

Old Business

Regarding the Garrison subdivision application, Robert Magee advised the Board that he had contacted Harry Willis, New York State Department of Local Government Services, and Jim Hennessey, Department of Rural Affairs, in order to clarify the subdivision requirements. Mr. Magee reported his findings to the Board. After doing so, Mr. Magee stated that in his mind, the subdivision requirements were now crystal clear: state law requires a survey. In his view, the Town Planning Board does not have the authority to take any action other than that directed by state law. Randy Robinson requested that a copy of Mr. Magee's findings be entered into the record (see attached), and asked whether Mr. Garrison should be notified of these findings. Mr. Magee summarized the status of the Garrison application as follows: The Board agreed to accept the preliminary application, contingent upon the submission of surveys of the adjoining properties, in a effort to define the applicant's parcel. By accepting this application, the Board was not implying that it was approving this subdivision. Any such inference was made on the part of the applicant. At the Public Hearing, the Board agreed to approve the application, contingent upon the submission of documents that adequately define the applicant's parcel. It is apparent after discussing this with several county and state agencies, that the only legally acceptable method of defining a parcel, in the case of a subdivision, is a survey prepared and certified by a licensed surveyor. Mr. Magee therefore made a motion that the approval of the Garrison subdivision, contingent upon submissions that adequately define the whole tract, as per a previous motion carried by the Board, be upheld. However, it is the findings of this Board, that the requirements of a survey for a subdivision are clearly defined in Article 9, Section 334 of the Real Property Law of the State of New York, and in Chapter 93 of the Town of Urbana Code. The only submission that will adequately and legally define the tract to be subdivided is a certified survey. Based on the absence of such a survey, this application should be considered incomplete and be returned to the applicant. The motion was seconded by Randy Robinson. Roll call vote was taken:

Mardo Doherty	-- Aye
Robert Magee	-- Aye
Jim Presley	-- Abstained
Randy Robinson	-- Aye
Chairman Venema	-- Aye

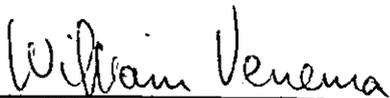
Robert Magee also pointed out that as per Town Code Section 93-6, Paragraph F, Subsection 2, conditional approval does not qualify the plat for recording. The plat can only be recorded upon submission of the requirements specified by the Board, and upon the signing of the plat by the Planning Board Chairman. Town Code Section 93-6, Paragraph F, Subsection 3, states that the applicant has 180 days to satisfy these requirements. Jim Presley inquired as to the implications of this point. Robert Magee stated that when the Board grants conditional approval, the applicant must provide the submissions specified by the Board within 180 days, or the application and any approvals become null and void. The Chairman

agreed to notify Mr. Garrison of the Board's findings and of the conditions which must be met prior to final approval.

As there was no further business before the Board, Jim Presley made a motion to adjourn the meeting at 7:53 P.M.E.S.T. Mardo Doherty seconded the motion. All members voted "Aye."

Subsequent to the meeting, the Planning Board held an informal discussion with various members of the Town Board, the ZBA, the Village Planning Board and Village Trustees concerning information gathered at the recent New York State Planning and Zoning Federation conference.

Approved



William Venema

Conversations between Robert Magee and

HARRY WILLIS

NYS DEPT. OF LOCAL GOVT. SERVICES

Jim Hennessey, Dept. of Rural Affairs.

R.M. DEFINE AND EXPLAIN SUBDIVISION REQUIREMENTS

H.W. THE STATE LAWS ARE THE BOTTOM LINE STANDARD FOR VARIOUS TYPES OF LOCAL MUNICIPAL CODES IN THE STATE OF NEW YORK. MUNICIPALITIES THAT HAVE ADOPTED SUBDIVISION LAWS DO SO TO BUILD UPON THESE STATE REQUIREMENTS, IN AN EFFORT TO CREATE A SET OF SUBDIVISION REQUIREMENTS THAT ARE TAILORED TO THEIR COMMUNITY. THE STATE LAWS REGARDING SUBDIVISION REPRESENT THE MINIMUM REQUIREMENTS IN THE STATE OF NEW YORK FOR A LEGAL SUBDIVISION OF PROPERTY WHERE A PARCEL IS TO BE SUBDIVIDED, AND PARCEL(S) OFFERED FOR SALE TO THE PUBLIC. THE STATE REQUIREMENT FOR A SURVEY IS VERY CLEARLY DEFINED IN REAL PROPERTY LAW ART. 9 SECT 334, AS WELL AS NYS TOWN LAW SECT 276 & 277., AND REPRESENT THE MINIMUM REQUIREMENTS. [AN EXAMPLE OF MINIMUM REQUIREMENTS IS PART 75 A. HOLDING TANKS ARE NOT PERMITTED IN THE CASE OF NEW CONSTRUCTION. BOTTOM LINE, NO WAIVERS, NO VARIANCES. YOU CAN WRITE MORE STRINGENT REQUIREMENTS, BUT NOT LESS STRICT.]

WHO CARES? NO NEGATIVE CONCERNS WERE VOICED AT THE PUBLIC HEARING.

THE STATE OF NEW YORK CARES. THAT IS WHY THE LAW IS ON THE BOOKS. THE FACT THAT NO ONE SEEMED TO BE BOTHERED BY THIS APPLICATION AT A PUBLIC HEARING MEANS THAT THE CURRENT NEIGHBORS ARE NOT CONCERNED. NEIGHBORS COME AND GO. THE ACT OF SUBDIVISION IS SPECIFIC TO THE LAND, NOT TO PEOPLE.

THE COUNTY SEEMS LAX IN ENFORCING THE STATE SUBDIVISION REQUIREMENTS, SO WHY BOTHER?

THE FACT THAT THE COUNTY CLERK MAY BE REMISS IN HIS DUTIES SHOULD NOT BE A BASIS FOR YOUR DECISION. FOR A SUBDIVISION TO TAKE PLACE, YOUR PLANNING BOARD CHAIRMAN MUST SIGN THE PLAT AS APPROVED BY YOUR BOARD BEFORE THE APPLICANT CAN FILE THE SUBDIVISION WITH THE COUNTY. IF THE COUNTY CLERK IS ACCEPTING SUBDIVISION PLATS WITHOUT THE NECESSARY SUBMISSIONS, THEN MAYBE THAT ISSUE IS THE ISSUE THAT NEEDS TO BE ADDRESSED.

CAN WE WAIVE THESE SUBDIVISION REQUIREMENTS ON A LOCAL LEVEL?

KEEP IN MIND THAT YOU DO NOT SPEAK FOR THE STATE OF NEW YORK. SECT. 334 IS VERY CLEAR. A SURVEY OF THE PROPERTY TO BE SUBDIVIDED IS REQUIRED. IF YOU WERE TO WAIVE THE SURVEY REQUIREMENT THE END RESULT IS NOT A SUBDIVISION AND COULD NOT BE FILED AS SUCH. AS BOARD MEMBERS YOU ARE INDIVIDUALLY AND COLLECTIVELY ACCOUNTABLE FOR YOUR DECISIONS. IF A PROBLEM ARISES LATER ON AS A RESULT OF YOUR DECISION, YOU HAD BETTER BE ABLE TO BACK UP YOUR DECISION. YOU ARE LIABLE IF YOUR WAIVER CREATES A PROBLEM AND YOU DO NOT HAVE THE FINDINGS TO BACK YOURSELVES UP.

CAN WE SIMPLY REFUSE THE APPLICATION AND ALLOW THE APPLICANT TO SEEK RELIEF FROM THE ZBA?

YOUR ZBA CANNOT HAND OUT VARIANCES TO SUBDIVISION REQUIREMENTS. THEY DON'T HAVE THAT AUTHORITY. THEY DEAL WITH MATTERS OF CODE, NOT SUBDIVISION.

CAN WE AMEND OUR CODE TO ALLOW A WAIVER OF THE SURVEY REQUIREMENTS IN CERTAIN INSTANCES?

WHAT WOULD THE CONDITIONS BE? HOW WOULD YOU DEFINE THEM IN YOUR CODE? WHAT SET OF CIRCUMSTANCES WOULD NOT REQUIRE A SURVEY AND STILL COMPLY WITH 334? I CAN'T THINK OF ONE, OFFHAND.

WHAT ABOUT CASES WHERE THE SURVEY REQUIREMENTS CREATE A FINANCIAL HARDSHIP.

FINANCIAL REASONS DO NOT QUALIFY AS A HARDSHIP.

SAME QUESTION TO JIM HENNESSEY, DEPT. OF RURAL AFFAIRS.

YOU ARE ASKING ME TO ADVISE YOU AS TO HOW TO BREAK THE LAW. NO ATTORNEY IN THEIR RIGHT MIND WOULD DO THIS.

CONCLUSIONS

1. WE AGREED TO ACCEPT THE PRELIMINARY APPLICATION, CONTINGENT UPON THE SUBMISSION OF SURVEYS OF THE ADJOINING PROPERTIES, IN AN EFFORT TO DEFINE THE APPLICANTS PARCEL. BY ACCEPTING THIS APPLICATION, WE WERE NOT IMPLYING THAT WE WERE APPROVING THIS SUBDIVISION. ANY SUCH INFERENCE WAS MADE ON THE PART OF THE APPLICANT.

2. AT THE PUBLIC HEARING, WE AGREED TO APPROVE THE APPLICATION, CONTINGENT UPON THE SUBMISSION OF DOCUMENTS THAT ADEQUATELY DEFINE THE APPLICANTS PARCEL. IT IS APPARENT AFTER DISCUSSING THIS WITH SEVERAL COUNTY AND STATE AGENCIES, THAT THE ONLY LEGALLY ACCEPTABLE METHOD OF DEFINING A PARCEL, IN THE CASE OF A SUBDIVISION, IS A SURVEY PREPARED AND CERTIFIED BY A LICENSED SURVEYOR.

MOTION

THE APPROVAL OF THIS SUBDIVISION, CONTINGENT UPON SUBMISSIONS THAT ADEQUATELY DEFINE THE WHOLE TRACT, AS PER A PREVIOUS MOTION CARRIED BY THIS BOARD, BE UPHELD. HOWEVER, IT IS THE FINDINGS OF THIS BOARD THAT THE REQUIREMENTS OF A SURVEY FOR A SUBDIVISION ARE CLEARLY DEFINED IN ARTICLE 9, SECTION 334 OF THE REAL PROPERTY LAW, AND IN CHAPTER 93 OF THE TOWN OF URBANA CODE. THE ONLY SUBMISSION THAT WILL ADEQUATELY AND LEGALLY DEFINE THE TRACT TO BE SUBDIVIDED IS A CERTIFIED SURVEY. BASED ON THE ABSENCE OF SUCH A SURVEY THIS APPLICATION SHOULD BE CONSIDERED INCOMPLETE AND BE RETURNED TO THE APPLICANT.

AS PER TOWN CODE SECTION 93-6, PARAGRAPH F, SUBSECTION 2, CONDITIONAL APPROVAL DOES NOT QUALIFY THE PLAT FOR RECORDING. THE PLAT CAN ONLY BE RECORDED UPON SUBMISSION OF THESE REQUIREMENTS, AND UPON THE SIGNING OF THE PLAT BY THE PLANNING BOARD CHAIRMAN.

AS PER TOWN CODE SECTION 93-6, PARAGRAPH F, SUBSECTION 3, THE APPLICANT HAS 180 DAYS TO SATISFY THESE REQUIREMENTS, OR THE APPLICATION IS NULL AND VOID.

TOWN OF URBANA PLANNING MEETING
NOVEMBER 18, 1992

PRESENT: Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member
William Venema, Chairman
Brian C. Flynn, Attorney
David Oliver, Code Enforcement Officer
Roxanne Gaylord, Recording Secretary

PUBLIC: Dorothy Beers
PRESENT: William Garrison
Ronald Klement

The Public Hearing for the Minor Subdivision Application of William and Ellen Garrison was opened by Chairman Venema at 7:07 P.M.E.S.T. Mr. Garrison was present to answer questions. The Chairman pointed out that a completed application, a survey of the 5 acre lot to be subdivided, and a copy of the deed were present. The Chairman asked for comments from the public. Mr. Garrison brought before the Board a copy of the survey of the neighboring Wirsing property in order to better define the eastern boundary of his parcel. Mr. Garrison stated that this was the only survey of neighboring properties which he had been able to obtain. He further stated that the other property owner whose land would border on the proposed subdivision, Mr. Cammileri, had no objection to the subdivision. The remainder of the neighboring property was described by Mr. Garrison as not surveyed, or in one instance, unclaimed. Mr. Garrison presented the Board with a written, notarized document, stating that no further subdivision of his property would take place without a survey of the entire parcel. Randy Robinson inquired as to the location of the unclaimed land. Mr. Garrison indicated its location on the tax map and explained that the proposed 5 acre lot would not border on this unclaimed parcel. Mr. Robinson asked why the line indicating the eastern boundary of Mr. Garrison's property did not extend all the way to the northern boundary (stream). Mr. Garrison explained that the survey done for Mr. Wirsing had only been completed to a certain point, but that the line extended straight back to the stream. Robert Magee inquired as to the acreage to be retained by Mr. Garrison, to which Mr. Garrison replied 102 acres. Mr. Magee asked Mr. Garrison to explain again his reasons for not submitting a survey of the entire parcel. Mr. Garrison replied that he objected to the expense, and felt that since the road and the creek created natural boundaries, and the eastern and western lines had been defined, a survey was unnecessary. Mr. Garrison wished to state for the record that neither he or his wife had any future plans to subdivide the remaining property. As there were no further questions or comments on this matter, the Public Hearing was closed at 7:24 P.M.E.S.T.

Chairman Venema opened the Regular Meeting at 7:25 P.M.E.S.T. Randy Robinson made a motion to approve the minutes of the November 4, 1992, meeting, as submitted. The motion was seconded by Robert Magee. All members voted "Aye."

The Board then turned to the following subdivision applications:

Marie Stopka -- Chairman Venema informed the Board that the application was in order, including a survey of the entire parcel. The matter has been scheduled for a Public Hearing on December 2, 1992.

Irene Szabo -- It was determined that the survey provided with the application could not be accepted since Crooks and Crooks were still named as the property owners. It appeared that the proposed Szabo subdivision would comply with frontage and square footage requirements. It was agreed that upon receipt of a survey map which names Ms. Szabo as property owner and indicates the proposed subdivision line, this matter could be scheduled for a Public Hearing.

Robert Magee informed the Board that he had received an inquiry regarding subdivision procedures. The inquiry involved a pending real estate transaction, the conditions of which the parties did not want publicly disclosed, and the possibility of the Board discussing the matter in executive session. Attorney Flynn advised the Board that the law allows for such closed meetings only if publicity would significantly drive up the price of the land. If a deal has already been struck, i.e., the price settled, a closed meeting would not be allowed. Attorney Flynn stated that the parties involved could submit a written proposal explaining their request for an executive session so that a formal opinion could be obtained on the matter, however, it was his initial feeling that it would be very difficult to place this matter in an executive session.

Mr. Magee also asked about the possibility of scheduling a joint meeting with the Town Board and the ZBA, along with the Village Planning Board, to discuss the planning information obtained at the state seminar. He suggested that with the support of the various boards, a professional planner could be brought in to help develop a comprehensive plan for the town and to assist community members with code revisions which would better suit local needs. Mr. Magee mentioned the possible availability of state funds to support such a project. It was decided that Chairman Venema and Robert Magee would draft a letter inviting the members of the various boards to attend the Planning Board's next regular meeting on December 2, 1992. The discussion would take place at 8:00 P.M., subsequent to the Stopka Public Hearing.

Code Enforcement Officer David Oliver updated the Board on the following matters:

Robert Hooper -- Mr. Steven Jones, designated agent for and by Mr. Hooper, has begun to submit the applications required to bring the Hooper property into compliance. Mr. Oliver explained that he plans to meet with Mr. Jones to clarify information submitted on the excavation permit application. Attorney Flynn advised the Board that a statement should be obtained indicating that Mr. Hooper, not Mr. Jones, will assume financial responsibility for permit fees incurred. Jim Presley pointed out that granting an excavation permit and filling the area would provide a partial solution to the parking problem which has been a concern of the Board. CEO Oliver explained that the excavation permit had never been denied, the application had

only been returned as incomplete. After further discussion, it was determined that the next step would be for Mr. Hooper to seek relief from the ZBA regarding the expansion of his special use permit to include the entire area which he intends to utilize.

Terry Peacock -- application for a sign permit. It was determined that Mr. Peacock must apply to the ZBA for a special use permit for his business before signage can be addressed. An application for a special use permit had been filled out in March of 1992, but no action had been taken by the ZBA due to pending litigation.

Keuka Maid -- removal of unauthorized signs. CEO Oliver reported that he received a letter from Mr. Ed Briggs, dated November 18, 1992, indicating that all unauthorized signs placed by the Keuka Maid had been removed and that construction of the upper portion of the approved sign was proceeding. A copy of the letter is included with these minutes. Mr. Oliver said that he had not yet inspected the site. Jim Presley reported that he had discussed the proposed waste line with Ernest Peltz. Mr. Peltz indicated that in light of the one year extension granted by the DEC, additional submissions would be forthcoming, pending further investigation of the proposed system.

Sharon Sayers -- CEO Oliver reported that Ms. Sayers had requested an application for variance, but as the application had not been submitted to date, he had sent Ms. Sayers a notice of violation. A second letter has been received from Mr. and Mrs. Breniman, neighboring property owners, stating that Ms. Sayers had abused the terms of her original variance and requesting that the structure be returned to its original state. A copy of the letter is included with these minutes. It was determined that if Ms. Sayers did not receive additional relief from the ZBA, the structure should be made to conform to the terms of the original variance.

Frances Viviano -- CEO Oliver reported that subsequent to notifying Ms. Viviano that a building permit and a variance would be required to bring her property into compliance, he had received a letter from Attorney Robert Plaskov indicating that he was now representing Ms. Viviano in this matter. A copy of this letter and a copy of Mr. Oliver's reply are included with these minutes.

Karl Hadley -- As Mr. Hadley's junkyard permit will come up for renewal in April of 1993, CEO Oliver informed the Board that he has made a video tape of the entire property. The video tape clearly shows that the junkyard area is expanding. Robert Magee stated that theoretically, the junk area should not expand, since scrap is being sold as well as being taken in. CEO Oliver pointed out that when the metal prices are down, the scrap will not be sold readily. Mr. Magee asked whether the junkyard could be phased out over a period of time, since the community has voiced objections to it. Attorney Flynn explained that the permit is renewable every year once issued, unless there is a violation. Mr. Oliver commented that Mr. Hadley is also taking in white metal. Robert Magee inquired as to the regulations regarding the drainage and disposal of fluids from junk cars and asked if soil samples had been taken. CEO Oliver stated that he would check on this with the DEC.

The Board then discussed the Garrison subdivision. Randy Robinson pointed out that the minutes of the October 7, 1992, meeting

indicated the Board's request that Mr. Garrison obtain surveys from neighboring property owners in order to define the side boundaries of his property. Mr. Robinson stated that the documents supplied by Mr. Garrison do not entirely define these boundaries. He also expressed a concern regarding the existence of unclaimed property in the vicinity. In Mr. Robinson's view, the Planning Board was going out on a limb by not requiring a survey of the entire parcel, and the situation would be made worse by accepting incomplete information. Chairman Venema stated that the property directly behind the Cammileri property was not the unclaimed land, but belongs to Mr. Garrison. Mr. Robinson said that as he understood Mardo Doherty's intent at the October 7, 1992, meeting, both east and west boundary lines were to be completely defined.

Robert Magee referred to a previous application for subdivision made by Mr. Garrison. The application was denied because a survey of the entire parcel was not provided. Mr. Garrison had argued that it would cost more to survey the entire parcel than he would make from the proposed sale, at that time, 2 acres. Mr. Magee explained that at the time, he felt that a survey of the entire parcel seemed to be an unnecessary burden. As a result, Mr. Magee had talked to several people in an effort to discover the reasoning behind the survey requirement. As the situation has recurred, not only with Mr. Garrison, but with other applicants as well, Mr. Magee had recently researched this issue further and proceeded to review his findings with the Board: Regarding the origin of subdivision and zoning laws, these laws were drawn from the Brown and Anthony planning study and the New York State Municipal and Town Laws of 1985. They were adapted to meet the needs of the community and adopted as The Code of the Town of Urbana in 1988. The Town Code requires that an application for a Minor Subdivision be accompanied by survey of the entire deeded parcel (Section 93-25). With only one exception, the record of the Planning Board to date has been to follow the law.

Upon approval of any subdivision, a new survey map is filed with the county. Mr. Magee reported that one copy of the survey is filed with the county clerk, one copy with the county treasurer, and one copy with the real property tax office. These copies are used to update county documents. Mr. Magee had inquired as to the ramifications at the county level, if a survey were not filed. The response given was as follows: a 2-parcel subdivision creates 2 entirely new parcels, neither of which existed before. Without a survey of the whole, according to New York State Town Law, no subdivision exists. This law, however, is not strictly enforced at the county level. If the proper submissions are not filed, and the boundaries, acreage, etc., are not properly established by the applicant, the duty of establishing these boundaries falls to the various county agencies. Such determinations, based upon insufficient data, will in all probability, be inaccurate. The final answer given at the county level was that State law requires a survey, therefore no further justification is needed.

At the state level, Mr. Magee contacted Jim Henesey, Department of Rural Affairs, and the NYS Dept. of Local Government Services. Again, he was told that a subdivision is not legal until the final plat, indicating the whole and the part to be subdivided, is signed and filed. Mr. Magee inquired as to the specific need for a survey map, as opposed to a map drawn to scale or some other instrument.

The reply received was that a survey is certified; the accuracy of any other instrument can not be guaranteed.

Returning to the local level, Mr. Magee stated that the Town Code does make provisions for the Planning Board to waive subdivision requirements in cases of extraordinary hardship. Jim Presley asked if Mr. Magee had concluded that the Planning Board has the power to vary from the law in this case, if hardship could be proven. Mr. Magee stated that he had not come any conclusion as yet and was merely reviewing with the Board the steps he had taken in his research. He advised the Board that he could obtain no official response from the State as to the specific repercussions, should the Town stray from these requirements.

Randy Robinson inquired as to what constitutes a hardship. He also asked whether this case is as cut and dried as the Hough case, in which the Board had waived the survey requirement. Robert Magee stated that in his view, the Hough case was not the main issue. He felt that the current case would serve as a benchmark decision, should the Board decide to accept the current submissions as a reasonable definition of the whole parcel. Chairman Venema agreed that a precedent would be set by making an exception to the survey requirement. Randy Robinson did not feel that a precedent would necessarily be set. Mr. Magee stated that if the Board waives the survey requirement, and accepts certain minimal requirements which define the parcels in question to a reasonable degree, all future applicants claiming a similar hardship would be subject to these same standards.

Mr. Robinson asked whether a hardship refers to the parcel (a geographic or topographical hardship) or to the applicant (an economic hardship). He stated that it was his understanding, from the recent state planning conference, that financial loss is not an acceptable reason to grant a hardship waiver. Chairman Venema concurred. Robert Magee stated that a clearer definition of the term "hardship" should be obtained. He also felt that none of the persons he had contacted had given him a clear answer as to the ramifications involved, should the Board decide to establish and accept minimum standards other than those outlined in the law.

Chairman Venema explained that the Board must now decide whether to make an exception and set a precedent, or to require a survey. The Board discussed these options at length. Jim Presley concluded that the Town's subdivision regulations need to be revised. Robert Magee stated that this situation should be resolved one way or another so that it does not continue to be a problem in the future.

Turning specifically to the Garrison case, Randy Robinson commented that state law clearly requires a survey. Putting that fact momentarily aside, he asked Mr. Magee whether the documents currently provided clearly define the entire Garrison parcel to Mr. Magee's satisfaction. Mr. Magee answered negatively. Mr. Robinson stated that he was not satisfied either. Mr. Robinson addressed this same question to the other Board members. Chairman Venema stated that since the unclaimed land did not affect the parcel to be subdivided, and since the 5 acres were to be cut from an existing deed line rather than an isolated area, he did have a clear picture of the proposal. Jim Presley concurred. Randy Robinson pointed out

the inaccuracy of the existing tax maps and asked which available documentation provided this clear picture, in lieu of a survey.

Chairman Venema asked the Board members if they wished to table the matter. Robert Magee volunteered to obtain an opinion from the State Department as to the ramifications involved in deviating from the Town and State Law. Jim Presley expressed his willingness to approve the application as currently presented. He felt that the county must have some way of dealing with such cases, in light of the fact that they admitted that the law is not rigorously enforced. Attorney Flynn advised the Board that an illegal subdivision can be set aside in Supreme Court and reminded them of their obligation to protect the buyer in this matter. The Board then discussed procedures for obtaining the requested opinion from the State Department and settling this matter in a timely fashion. Robert Magee made a motion to table the Garrison application until a legal opinion, clearly indicating the Board's authority to waive the survey requirement and outlining the ramifications of such action, could be obtained from the State Department. Randy Robinson seconded this motion.

William Garrison asked to address the Board prior to the vote on this motion. He requested a copy of the minutes from the October 7, 1992, Planning Board meeting. After examining these minutes, Mr. Garrison stated that the Board had requested certain submissions at that preliminary hearing, which he had since provided. He said that it was his understanding that if he provided these documents, his application would be approved. He stated that he understood the final hearing to be a formality -- a forum for neighbors to express any objections to the subdivision -- and that no neighbors had come to complain. Mr. Garrison said that he saw no reason to involve the State in this matter. After reading directly from the October 7, 1992, minutes, Mr. Garrison stated that an agreement had been reached, which he had fulfilled. Randy Robinson stated that in his opinion, the conditions had not been met. The side boundaries had not yet been entirely defined, as specified in the aforementioned minutes. Attorney Flynn asked Mr. Garrison if he had taken the provision of the requested submissions to be a guarantee of approval. Mr. Garrison replied that he had, and on that basis, Mr. Klement had placed a deposit of \$2,000 on a double wide home. Mr. Garrison said again that he had been advised by the Board that the Public Hearing was a mere formality to allow any interested neighbors to attend. Attorney Flynn stated that if any Board member had so advised him, that member should be admonished.

The Board was then addressed by Dorothy Beers. She asked whether the subdivision requirements had been revised since the time of Mr. Garrison's first application. Mr. Magee answered that they had not.

William Garrison stated that the Board could waive the survey requirements in the case of a hardship. Mr. Magee explained that financial reasons could not be considered a hardship and referred to the case of Marie Stopka, who recently had her entire parcel surveyed to meet the letter of the law. Mr. Garrison stated that in his opinion, changing the law would greatly improve conditions in the Town of Urbana. He stated that he had tried to convince the Klements not to locate in Urbana, but finally decided to make an application

for subdivision. Having obtained an agreement from the Planning Board at the preliminary hearing, Mr. Garrison stated that he and the Klements had acted on the basis of that agreement. Randy Robinson commented that he did not know if an agreement had ever existed, however, the fact remained that the side boundaries had still not been clearly defined.

Attorney Flynn asked Mr. Garrison to allow the Board time to confirm its interpretation of the law by obtaining the aforementioned legal opinion from the State. At best, the application would be approved, and even if it were denied, all that would be needed for ultimate approval would be a survey. In the meantime, Mr. Klement could proceed with his building plans, the only delay being in the legal closing of the transaction. Mr. Garrison expressed his unwillingness to involve the State in this matter. The applicant requested that the Planning Board willfully disregard the state law.

At this time, Robert Magee withdrew his earlier motion. Jim Presley made a motion to approve the subdivision based on the submissions currently available. Chairman Venema seconded this motion. The motion failed a roll call vote:

Jim Presley	-- Aye
Randy Robinson	-- No
Robert Magee	-- No
Chairman Venema	-- Aye

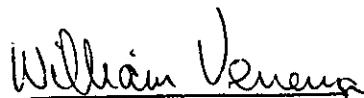
Attorney Flynn inquired as to the cost of completing a survey. Mr. Garrison responded that it would be approximately \$2,000, less \$400 for the work which had already been done. CEO Oliver mentioned the possibility of a less expensive aerial survey and provided Mr. Garrison with information regarding this option.

Jim Presley made a motion to approve the Minor Subdivision application of William and Ellen Garrison, subject to the better definition of the boundaries of the parcel being subdivided. Chairman Venema seconded this motion. The motion carried by roll call vote:

Jim Presley	-- Aye
Randy Robinson	-- Aye
Robert Magee	-- Aye
Chairman Venema	-- Aye

Further discussion of this matter was recessed until the next Regular Meeting, December 2, 1992. As there was no other business before the Board, Jim Presley made a motion to adjourn at 10:45 P.M.E.S.T. Robert Magee seconded this motion. All members voted "Aye."

Approved



William Venema



THE KEUKA MAID

P.O. Box 648

Hammondsport, New York 14840

607-569-BOAT (2628)

A 400 Passenger Dinner Boat

November 18, 1992

David C. Oliver
Code Enforcement officer
Town of Urbana

Dear Mr. Oliver

All signs placed by the Keuka Maid at the Keuka Maid entrance have been removed except the sign approved by the Variance.

We had contracted Mr. Lersh Ronalds from Branchport, N.Y. to make the upper portion of our sign. On November 17, 1992 we contacted Mr. Ronalds to see what the hold up was and were told that because we were closed for the season our sign had been put on the back burner. Mr. Ronalds assured us he would finish our sign as fast as possible.

We did not know there was a time limit on construction as it was not listed as a qualification on our copy of the zoning board decision.

Yours Truly,
Edwin Briggs
Manager.

23 E. Chatfield Pl.
Painted Post NY 14870
November 13, 1992

Zoning Board of Appeals
Town of Urbana
Town Office
41 Lake Street
Hammondsport, NY 14840

RE: Property at 332 West Lake Road, Hammondsport, NY.

To Zoning Board of Appeals:

Please accept this as a supplement to our
correspondence of October 19, 1992.

After extensive consideration, we request that the
afore mentioned variance be rescinded and the property/
structure returned to its original state.

We have based our decision upon the abuse of the
terms of the variance by Ms. Sayers and our disappointment
in the size and placement of the total construction.

Respectfully submitted,

Emery R. Breniman

Emery R. Breniman

Gladys D. Breniman

(Mrs.) Gladys D. Breniman

cc. David Oliver

ROBERT H. PLASKOV

Attorney at Law

5 Gansevoort Street, Box 551

Bath, New York 14810-0551

(607) 776-4113

(607) 776-3368

October 7, 1992

Town of Urbana
David C. Oliver
Code Enforcement Officer
41 Lake Street
Hammondsport, NY 14840

RE: Frances Viviano

Dear Mr. Oliver:

Your letter of September 25, 1992, to Frances Viviano, together with all the previous documentation from this file was given to me. I will be representing Ms. Viviano in any action you may be bringing.

I have carefully reviewed all the information and believe that she is justified in the position which has been taken. She merely replaced a small existing pump house with the full advice and consent of town officials who were in office at that time. Applying for a variance at this time seems to be an unnecessary extension of the authority of the Town as well as a waste of everyones time.

Should you wish to correspond with Ms. Viviano further please do so through this office.

Very truly yours,



ROBERT H. PLASKOV

RHP/cjs
cc: Frances Viviano
ckj523

RECEIVED

OCT 13 '92

TOWN OF URBANA



Town of Urbana

41 Lake Street
Hammondsport, New York 14840

Supervisor
607-569-3369

Town Clerk
607-569-2708

November 16, 1992

Robert Plaskov
Attorney at Law
5 Ganservoort Street
Bath, NY 14810

Dear Mr. Plaskov,

Your letter of October 7, 1992 concerning Francis Viviano and the Notice of Violation issued on August 30, 1992 confuses me.

As of September 21, 1992, Ms Viviano had submitted an application for a building permit. My September 21st. reply advised her that a variance would also be required.

Thereafter I received your letter stating that Ms Viviano was justified in the position which has been taken. Shall I now assume that she does not intend to proceed with the building permit and variance ?

Nevertheless, regardless of her position and irrespective of your stated position, a review of the situation reveals that construction took place and such was contrary to the Code of the Town of Urbana.

An additional issue presently being reviewed is whether or not the Boundary Line Agreement dated September 20, 1991, may, in fact, have resulted in the creation of an illegal Minor Subdivision. Accordingly, I will now request that you furnish a copy of your client's original survey and also a copy of the amended survey reflecting the boundary line created by the aforesaid instrument.

Your response if received by November 30, 1992, will be considered as timely.

Thank you for your anticipated cooperation.

Vert truly yours,

David C. Oliver
Code Enforcement Officer

cc: F. Viviano
W. Venema
B. Flynn
ceo047

TOWN OF URBANA PLANNING MEETING
NOVEMBER 4, 1992

PRESENT: Mardo Doherty, Member
Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member
William Venema, Chairman
David Oliver, Code Enforcement Officer
Roxanne Gaylord, Recording Secretary

PUBLIC PRESENT: George Veley
Lloyd Scotchmer

The Regular Meeting of the Town of Urbana Planning Board was convened at 7:10 P.M.E.S.T. Mardo Doherty made a motion to approve the minutes of the October 7, 1992, meeting, as submitted. Robert Magee seconded the motion. All members voted "Aye."

Commenting on the minutes of October 7, 1992, meeting, Robert Magee stated that although he had made the motion to file the submissions brought in by Judith Swarthout in the "Swarthout" file, further consideration had led him to believe that these applications should have been made under the name Hough, since Mr. Hough is the property owner and Mr. Swarthout is the lessee. Mr. Magee pointed out that the proposed changes are specific to the building itself. Any authorizations granted would remain with the property and would not transfer to another site, should Mr. Swarthout choose to relocate his business at some future date. Mr. Magee suggested that in the future, applications should be made under the name of the lessor rather than the lessee. Chairman Venema stated that the "Swarthout" and "Hough" Files have been cross-referenced.

Mr. Magee also inquired about the status of William Garrison's application for subdivision, which had been tentatively scheduled for a Public Hearing at the present meeting. Chairman Venema stated that the requested surveys from neighboring property owners had not yet been received. The tentative date for the Public Hearing had been moved to November 18, 1992. Jim Presley offered to remind Mr. Garrison to submit the surveys prior to the Public Hearing.

The Board then discussed Old Business:

#92-050, Jackson Burm -- application for a building permit. The Chairman brought before the Board a letter from Mr. Burm stating that two trailers would be removed from his property upon completion of the proposed cabin. All other submissions being in order, the Board determined that a building permit could be issued.

Robert Hooper -- application for a building permit. The Chairman brought before the Board a letter addressed to Mr. Hooper, dated October 19, 1992. As per Mr. Hooper's request, this letter outlined all submissions required to bring Mr. Hooper's property into compliance. The Chairman stated that to date, no response has been received from Mr. Hooper.

Randy Robinson asked if Mr. Hooper will be required to reapply for a special use permit each time his business takes a turn for the better. Robert Magee stated that the original special use permit had been granted contingent upon compliance with DOT setback and right-of-way regulations and submission of a parking lot plan. Mr. Magee pointed out that this permit was issued in 1989, and no parking lot plan has been submitted to date. He further stated that Mr. Hooper is now exceeding the area defined by the original permit. CEO Oliver pointed out that the Code requires 1 parking space per every 50 square feet of dining area. The proposed expansion would therefore require the definition of additional parking spaces. CEO Oliver stated that complaints have been received regarding traffic problems at the site, and also pointed out that no SEQR has been filed to date. Mr. Oliver added that, contrary to comments made by Mr. Hooper at the October 7, 1992, meeting, he had spent several hours with Mr. Hooper, going over the excavation permit application point by point. Mr. Oliver stated that he had made every attempt to inform Mr. Hooper of all required submissions, but had received no response.

It was determined that Mr. Hooper should be allowed 30 days to respond to the letter. Jim Presley asked that the record reflect his disapproval of the manner in which this matter was handled at the concept review conference. Mr. Presley stated that it was inappropriate for Attorney Flynn to interrogate Mr. Hooper as if he were in a court of law. Mr. Presley stated that Attorney Flynn is the Board's legal counsel, however, he is not a member of the Board and should not represent himself as such. Chairman Venema stated that in the absence of the Code Enforcement Officer, Attorney Flynn had attempted to present David Oliver's position on the issues. Mr. Presley stated that did not wish to dispute the facts of the case, rather he wished to express his objections to the manner in which the Board's position was presented.

Keuka Maid -- concept review of a proposed waste line. Robert Magee pointed out that this property is leased and asked whether the application should be submitted by both the Keuka Maid and the Town of Urbana. Mardo Doherty stated that the Town is listed as the property owner on the application.

Jim Presley pointed out that the proposed construction of a 7' fence to enclose the holding tank would necessitate a variance, as the maximum fence height in a residential district is 4'. In his discussion with Mr. Clark, Mr. Presley had suggested that, if the tank's valves could be otherwise secured, the fence could be eliminated and a variance avoided. Robert Magee inquired as to

DEC approval for this project. Mr. Presley stated that the applicant had recently applied for an extension of the original DEC permit, scheduled to expire at the end of November. Mr. Presley stated that approvals had been received from the watershed inspector and engineer's sketches had been made. CEO Oliver confirmed that the extension from the DEC had been granted.

CEO Oliver brought before the Board a letter, dated October 28, 1992, addressed to Ernest Peltz, attorney for Mr. Clark. The letter, written by CEO Oliver in response to an inquiry from Mr. Peltz as to the status of his client's application, outlined the documents required to finalize the application. The letter indicated that the matter was scheduled for concept review at the present meeting. Documents still missing from the application include the drawings done by architect David Pearce, and the survey map of the property. Mr. Oliver explained that he had seen the Pearce drawings at one time, but had returned them because they did not indicate a gate in the fence enclosure. Jim Presley asked why the Board should require the applicant to include a gate. Mr. Oliver explained that a gate is not specifically required, however, the plans should give some indication as to how the tank will be emptied. The Pearce drawings seen by Mr. Oliver gave no such indication. Robert Magee suggested that some type of access through the fence enclosure, a gate or a door, would be necessary to inspect and maintain the structure.

The Board then discussed the amount and type of detailed information required to make a decision on a project of this type. Jim Presley stated that in dealing with an engineered system, some details must be left to the engineers, as the Board members do not possess the expertise to scrutinize every detail of such a project. Chairman Venema stated that in his view, the Board should gather as much information as possible. He pointed out the Board's potential position of responsibility, should something go wrong with an approved project. Robert Magee pointed out that on the Keuka Maid's sewage construction permit application, reference is made to "engineer's plans." Mr. Magee stated that a copy of these plans should be made available to the Board and placed in the official file. Mr. Presley agreed.

It was determined that Mr. Clark and Mr. Peltz should be allowed 30 days to respond to Mr. Oliver's letter. Mr. Presley asked again about the possible elimination of the 7' fence enclosure. David Oliver inquired as to the location of the pump. Mr. Presley stated that the pump could be mounted inside the containment area. Mr. Oliver said that in his opinion, it would still be better to have a fence, however, the engineer's drawings may provide a clearer picture of the project. Mr. Presley agreed to mention these drawings to Mr. Clark.

The Planning Board then discussed the following applications scheduled to go before the Zoning Board of Appeals:

Billy Cagel -- It was the opinion of the Planning Board that the proposed action constitutes an improvement to the property. The proposed double wide home would replace a non-conforming trailer already removed by Mr. Cagel. David Oliver pointed out that the property has been cleaned up to some extent, and although there is still work to be done, the owners are taking a step forward. It was the decision of the Planning Board to submit no opinion to the ZBA in this matter.

Snug Harbor -- It was noted that a complaint has been received from a neighboring property owner regarding the renting of overnight accommodations without a special use permit. CEO Oliver reported that his research of the situation indicated that the property had been used as a boarding house at one time, prior to the existence of the zoning laws. This use was discontinued, however, and since the zoning laws have been in effect, the rooms have been used as an apartment for family members, not for rental purposes. Robert Magee pointed out that the intensity of use would not be altered by offering these same rooms for rent on a nightly, weekly, or monthly basis. Mr. Magee did, however, remind the Board of the complaints received regarding Snug Harbor's septic system. Randy Robinson asked if there had been more than one complaint about the rented rooms. Mr. Oliver said that the neighbor who initiated the complaint, Mr. Phil Jones, claims to have the support of the rest of the neighbors. It was determined that the Planning Board would submit a recommendation to the ZBA that the approval of any special use permit be made contingent upon receipt of a satisfactory report on the septic system from the watershed inspector.

Hammondsport Fire District -- Robert Magee inquired as to the dimensions of the sign face, exclusive of the frame. CEO Oliver replied that it is 32 square feet; the maximum size allowed by the Code is 30 square feet. He had suggested that the size be adjusted, but the sign had already been constructed. It was the decision of the Planning Board to submit no opinion to the ZBA in this matter.

David Oliver reported that he had received an application for a building permit from Sophie Herman of Longwell Road. The application indicated that the proposed structure would be used for camper storage and would be the only structure on a 10 acre lot. It was determined that the structure itself would conform to Code but could not be used for year round camper storage, as it had no walls. CEO Oliver stated that he would approve the application for a building permit and inform the applicant that in order to store a camper in this structure year round, it must be enclosed.

It was noted that many people are still unaware of the Town's camper regulations. Mardo Doherty agreed to draft a notice to be placed in the newspaper which would advise people of the law.

David Oliver reported that he had received an application from the Klements to place a double wide home on a 5 acre lot on Bean Station Road. It was determined that this application could not be acted upon until after the Public Hearing on the Garrison subdivision (11/18/92).

CEO Oliver informed the Board that he had received applications from the Curtiss Museum for the placement of 3 off-site signs. Included with the applications were sketches indicating the design of the signs, maps indicating the proposed locations, and written permission from the affected property owners. It was determined that according to the Code, these signs are considered "billboards," which are not excluded in an agricultural district. Two of the proposed locations lie in agricultural zones and would not require a variance, as size and setback requirements will be met. The third proposed location lies in a residential district. Jim Presley suggested that by moving the sign across the road, a variance could be avoided.

The Board then reviewed protocol for addressing Code violations. A resolution granting the Code Enforcement Officer authority to write appearance tickets is scheduled for a Public Hearing on November 16, 1992.

In other business, the Board conducted a preliminary review of the Robert Passero/Joseph Charles application for subdivision. The proposed subdivision would create a lot with only 40' of lake frontage; the minimum required by law is 50'. It was the Board's decision to deny the current application and advise the applicants that they may either adjust the dimensions of the proposed lots or seek relief from the ZBA.

As there was no further business before the Board, Mardo Doherty made a motion to adjourn the meeting at 9:16 P.M.E.S.T. The motion was seconded by Robert Magee. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
OCTOBER 7, 1992

PRESENT: Mardo Doherty, Member
Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member
William Venema, Chairman
Brian C. Flynn, Town Attorney
David Oliver, Code Enforcement Officer
Roxanne Gaylord, Recording Secretary

PUBLIC PRESENT: Judith Swarthout
Robert Hooper
Steven Jones
William Garrison
Irene Szabo
Dorothy Beers
Richard Falvey
L. Paul Wood
George Veley

The Regular Meeting of the Town of Urbana Planning Board was convened at 7:05 P.M.E.D.T. Robert Magee made a motion to approve the minutes of the September 2, 1992, meeting, as submitted. Jim Presley seconded the motion. All members voted "Aye."

The Board then conducted its Site Plan Review of the application of Peter Swarthout. Judith Swarthout was present to answer questions. She stated that the submissions requested by the Planning Board in a letter dated September 9, 1992, had been completed, and that these documents had already been filed in the Town Office under the name of Linwood Hough. Mrs. Swarthout brought copies of these documents before the Board. The only requested submission not yet completed was the application for a sign permit, as the sign has yet to be designed.

Chairman Venema asked about boat storage at the site. Mrs. Swarthout stated that boat storage would be inside the building and that there would be space for 6 boats. Chairman Venema asked about parking availability. Mrs. Swarthout indicated that a 20' by 40' area outside the service entrance (off the Back Valley Road) was available for parking. The Board examined the sketches and documents, noting that the application for sewage disposal had been approved by Bill Mahrt.

Robert Magee asked if this was a permitted use within the area, to which the Chairman answered affirmatively. Attorney Flynn inquired as to width of the driveway. Mrs. Swarthout answered that the main driveway is 20' X 40'. Another shorter drive runs

parallel to the building, allowing vehicles with boat trailers to drive through without backing up. Attorney Flynn inquired as to whether the name of the business had been filed with the county. Mrs. Swarthout answered that the name "Swarthout Marine Service" had been filed with the county.

Noting that the requested documents were present and in order, Robert Magee made a motion to accept these submissions and include them in the "Swarthout" file. Randy Robinson seconded this motion. All members voted "Aye." It was determined that a sign permit application would be submitted at a later date and that an additional fee for said sign permit would be required.

The Board then turned to the matter of Robert Hooper ("Pat's Place"). Mr. Hooper was present, accompanied by Steven Jones. Brought before the Board was a chronological outline, compiled by Code Enforcement Officer David Oliver, of all actions taken in this matter to date. Mr. Hooper was provided with a copy of this outline. Attorney Flynn advised the Board that no action should be taken on Mr. Hooper's current application until the pending code violations, dating from February, 1992, were resolved.

Mr. Jones inquired as to the nature of the first violation. Attorney Flynn replied that the February, 1992, violation resulted from bringing fill onto the property without an excavation permit. Mr. Hooper replied that he had applied for a permit, but as it had been denied, he did not bring fill onto his property. Chairman Venema indicated that there was no record of the application even having been received by the Planning Board. Attorney Flynn asked if any fill had ever been brought onto the property during Mr. Hooper's ownership. Mr. Jones replied that some gravel was brought in when Mr. Hooper first acquired the property, but upon receiving notification that this was not permissible, they did not continue filling. Attorney Flynn asked if Mr. Hooper received a letter from CEO Oliver in February of 1992. Mr. Hooper stated that he received nothing from CEO Oliver regarding excavation. Mr. Hooper further stated that it was the State that wanted the property filled, so that it would be brought up to the level of the road. He said he did not proceed because his permit application was denied. Attorney Flynn again asked if any fill had ever been put in. Mr. Hooper replied that he had brought in fill "when I first went there."

Attorney Flynn stated that the original special use permit issued to Mr. Hooper by the Zoning Board of Appeals in 1989 constrained itself to 20' on either side of the then existing structure. Mr. Hooper stated that it was his understanding that the 20' was the minimum distance to be used for parking. Attorney Flynn stated that this interpretation did not agree with the language of the original special use permit. Attorney Flynn explained that the use of the property beyond the 20' limit, specifically the fill which was brought in, was the subject matter addressed by David Oliver in his letter of February, 1992. Mr. Hooper stated that the dirt was dumped by the neighboring property owner. Attorney

Flynn suggested that Mr. Hooper discuss that with CEO Oliver. Mr. Hooper stated that he had attempted to do so without success.

Robert Magee stated that in his view, Mr. Hooper's business had grown considerably since 1989, when the original special use permit was issued, and that along the way, communication between Mr. Hooper, David Oliver, and the Planning Board had broken down. As a result, certain applications had not been submitted and certain permits had not been issued. Mr. Hooper stated that he did have a receipt for a permit to build porch enclosures, issued by Arthur Chapman. Mr. Magee continued by explaining that the purpose of the current meeting was to bring the entire situation up to date.

Attorney Flynn pointed out that the permit for one of the enclosures (towards Bath) had been issued in error, and that Mr. Hooper had been made aware of this in David Oliver's letter of February, 1992. Attorney Flynn asked Mr. Hooper if he had received that letter. Mr. Hooper stated that he had received a letter from David Oliver which referred to parking only 2 cars on either side of his building. Attorney Flynn asked in what month of what year that letter had been received. Mr. Hooper stated that he did not know for sure. Attorney Flynn quoted a passage directly from David Oliver's February, 1992, letter which referred to the placing of fill on the property. Mr. Hooper stated that he had placed no fill on the property since that time. Attorney Flynn explained that CEO Oliver's letter was a request for Mr. Hooper to address the situation after the fact, by completing the proper permit application and paying a fee for excavation which had already been done. There ensued a discussion of how the dirt in question came to be deposited on Mr. Hooper's property.

Jim Presley asked if there is a law stating that the Board cannot act on a current application because of an assumed prior violation. Attorney Flynn stated that the purpose of the present concept review conference was to determine Mr. Hooper's intentions, i.e., if and how he intends to respond to the violations, and to discuss his future plans. Attorney Flynn further explained that, due to the expansion beyond the scope of Mr. Hooper's original special use permit, it may be necessary for the Zoning Board of Appeals to review the matter and consider issuing a new special use permit. Mr. Presley stated that since Mr. Hooper's business is obviously doing well, the Board should make every attempt to help him through this situation. Attorney Flynn stated that this was the purpose of the present conference, to help Mr. Hooper bring the situation into compliance.

Mr. Jones requested that the Board prepare a list of all necessary applications and permits required to bring the property into compliance.

Mr. Hooper stated that the new building addition would not create any more business, and that any traffic considerations should be addressed by the state police, not CEO Oliver. Robert Magee

pointed out that perceived or potential traffic hazards are addressed in the Town Code, which CEO Oliver is authorized to enforce. Mr. Magee did agree that the Board should provide Mr. Hooper with a list of required submissions. Mr. Magee explained that in his Site Plan Review application, Mr. Hooper should describe all changes made to date, as well as future plans for his business, whether they be additions to the structure or to the parking area, so that the Board can accurately evaluate the situation. Attorney Flynn again stated that the matter may have to be reviewed by the Zoning Board of Appeals.

Mr. Hooper stated that he had applied for several permits already, including an excavation permit, and had receipts for these. Randy Robinson made copies of the receipts presented by Mr. Hooper. Attorney Flynn asked if Mr. Hooper had the actual excavation permit in his possession. Mr. Hooper said that he thought he had it at home and agreed to look for it and provide a photocopy to the Board. Attorney Flynn stated that David Oliver's letter made reference to an incomplete excavation permit application, which led him to believe that Mr. Hooper may have applied for, but never actually received a valid permit. Mr. Hooper stated that he had a receipt for \$20.00 for an excavation permit, and asked why a fee had been collected if the permit was not given. Attorney Flynn explained that he was not familiar with the Town Clerk's procedures, but stated that if a fee had been collected, he could understand the confusion surrounding the matter.

Regarding the current application for a building permit, Steven Jones explained that the addition would be used for storage only -- shelving and a walk-in freezer.

Mr. Hooper indicated his willingness to resolve this situation if he were provided with the aforementioned list of required submissions. Robert Magee and Chairman Venema agreed to draft a letter to Mr. Hooper outlining the proper course of action.

The Board then conducted its Site Plan Review of the application of Bill Cagel to place a double wide mobile home on property owned by Ora Stopka (#92-069). Mr. Cagel was present to answer questions. Chairman Venema inquired as to how many dwellings are currently located on the property. Mr. Cagel answered that there are 3 structures which are occupied. Other structures are being used only for storage. Chairman Venema asked about the septic systems on the property. Mr. Cagel replied that each of the occupied structures has a separate septic system. He stated that he had submitted documentation to Bill Mahrt, who was to send it on to David Oliver.

The total area of the parcel was established to be 7.24 acres. Chairman Venema pointed out that the law requires 2 acres per residence. With three residences pre-existing, adding a fourth would exceed the density requirement. Mr. Cagel explained that his parents had recently removed a trailer from the spot where he wishes to locate his double wide mobile home. Septic and electric

systems being already available on that location, he considered his home to be a replacement of the trailer which had been removed.

It was determined that the Planning Board could not approve this application due to the density requirement. Mr. Cagel was advised that he could seek relief from this requirement by submitting a request for variance to the Zoning Board of Appeals. The Planning Board advised Mr. Cagel on this procedure and provided him with the proper variance application form. CEO Oliver assisted Mr. Cagel with the completion of the form.

The Board then reviewed the preliminary subdivision application of Irene Szabo. Ms. Szabo was present to answer questions. Ms. Szabo explained that she had purchased two adjoining lots which total 18 acres. The two lots are now defined by a single deed. She stated that she now wishes to sell 6 acres at the southern corner of her property. A copy of the deed was included in the application as well as copies of paid tax receipts. The Board examined the survey map and determined that the frontage requirement had been met. Ms. Szabo was advised to have the survey map, which still indicated two separate lots, recertified to match the deed. Ms. Szabo stated that she would proceed with the recertification. She was advised that 3 copies of the corrected survey map, indicating the proposed subdivision, would be required. The Board determined that this matter could be scheduled for a Public Hearing on November 4.

The Board then reviewed the preliminary subdivision application of William Garrison. Mr. Garrison was present to answer questions. Mr. Garrison explained that he wishes to sell 5 of his 107 acres, approximately 60 acres of which lies on the north side of Bean Station Rd. He presented a map which showed the 5 acres in question to be at the SW corner of this 60 acre section. Mr. Garrison indicated that portions of his property had previously been surveyed and that portions are delineated by natural boundaries, i.e., highway and stream. He explained that the exact boundaries of the 5 acres could be determined by surveying 250' along the road (to meet the minimum frontage requirement) and then going back far enough to make a 5 acre parcel. He also stated that he has no intentions of ever selling any more of his property. Mr. Garrison explained that this 5 acres is not good farm land, but that it would make an ideal building site. He stated that time was of the essence, since the buyers wanted to place a manufactured home on the property and move in this fall, but that neither party wanted to proceed until they had some assurance that the sale could take place. Mr. Garrison indicated that he had spoken with the neighboring property owners and that no objections had been raised.

The Board examined the maps and documents included in the application. After a brief discussion, the Board determined that the required documents were in order, with the exception of a survey. Robert Magee asked whether a survey of the entire tract

would be required. Mr. Magee quoted from section 93-25B which reads in part "an actual field survey of the boundary lines of the tract..." Mr. Magee asked whether "tract" refers to the entire original parcel, or to the new parcel which is being created. Chairman Venema stated that "tract" refers to the entire parcel. The Chairman further stated that, in keeping with past precedents, only the northern 60 acres would have to be surveyed, since the highway creates a natural boundary between the northern 60 acre section and the remainder of the property. The Chairman said that this is how the law has been interpreted in the past. Mr. Garrison stated that he would put the emphasis on "interpretation." In his view, the law did not emphasize a survey of the entire tract. In addition, Mr. Garrison stated that the law allows for a variance from the subdivision regulations where a hardship is created.

The Board discussed the reasons behind this survey requirement and the various situations, namely the creation of non-conforming lots, which might arise were it not strictly enforced. Mr. Garrison offered to submit a written document stipulating that he would not carve out any more lots in the future. Robert Magee noted that in this case, it is obvious that the parcel remaining would still be conforming. However, he felt that the Board should consider its past precedents. Mr. Garrison felt that each case should be judged on its own merit.

Mardo Doherty asked if Mr. Garrison's main objection to the survey was the expense involved. Mr. Garrison replied that expense was one objection, his main objection being, however, that he simply felt that a survey was unnecessary.

Randy Robinson asked how the 1400' lot depth indicated on the map had been determined, in absence of a survey. Mr. Garrison indicated that Luther Perkins had provided that figure. Mr. Robinson stated that a lot with 250' of road frontage would have to be 871' deep to total 5 acres. Mr. Garrison stated that the lot could be made wider than 250' if necessary.

Robert Magee asked whether any of the property lines may have been surveyed by neighboring property owners, to which Mr. Garrison answered affirmatively. Mr. Garrison stated that these neighbors did not live on the property, but that he would attempt obtain copies of these surveys. Mardo Doherty stated that if Mr. Garrison could establish the two side boundaries with surveys from neighboring property owners, the property would be defined, since the front boundary is established by the road and the rear boundary is established by the creek.

Randy Robinson questioned Attorney Flynn as to the legal requirements regarding a survey. Attorney Flynn stated that he did not recall all prior precedents established by the Board in cases of minor subdivisions dealing with large tracts of land. He explained that the Board could choose to follow these precedents, or determine that, in certain cases, a change in policy is

appropriate. There was a brief discussion of the Hough case, in which, because all property lines were defined, the survey requirement was waived. Mr. Magee said that in his opinion, if the boundaries in this case could be similarly defined, perhaps the Hough precedent should apply.

Attorney Flynn asked if Mr. Garrison intended to survey to 5 acres to be subdivided, to which Mr. Garrison answered affirmatively. Attorney Flynn asked if Mr. Garrison would state, in writing, that he has no plans to further subdivide his property, and stipulate that if any further subdivision were to take place, the entire remaining parcel would be subject to a field survey. Mr. Garrison answered affirmatively.

Robert Magee made a motion to accept Mr. Garrison's application for Minor Subdivision, contingent upon submission of the following documents prior to the Public Hearing: an official survey of the 5 acres to be subdivided; surveys from neighboring property owners which would define the east and west boundaries of the portion of the Garrison parcel which lies north of Bean Station Road; a statement indicating that Mr. Garrison has no future plans to subdivide, and stipulating that any future subdivision would require a survey of the entire parcel. Mardo Doherty seconded the motion. Roll call vote was taken:

Mardo Doherty	-- Aye
Robert Magee	-- Aye
Jim Presley	-- Aye
Randy Robinson	-- Abstained
Chairman Venema	-- Aye

Mr. Garrison was advised that the earliest possible date for a Public Hearing would be November 4.

The Board was then addressed by Richard Falvey regarding a mobile home located at 7479 Randallville Road. It was Mr. Falvey's understanding that this structure had been the subject of a variance and that a time limitation had been imposed for its eventual removal. Mr. Falvey inquired as to what date had been specified. He also informed the Board that the property had been sold, and wondered whether the new owners were aware of the terms of the variance. CEO Oliver located the file in question, David Johnson, and stated that the mobile home on the property was to be removed by August 24, 1994. CEO Oliver asked whether the variance would transfer to the new owner. Attorney Flynn stated that in general, special use privileges run with the property itself, however, in the case of a mobile home, considered to be personal rather than real property, he could not answer this question without further research. Mr. Falvey suggested that meanwhile, the new owner should be made aware of the situation.

The Planning Board then discussed the following applications scheduled to go before the ZBA:

Larry Thibodeau -- It was determined that the requested subdivision would create 2 non-conforming lots from one pre-existing, conforming lot. In addition, Attorney Flynn informed the Board that Leonard Martin had expressed no desire to own the land which would be deeded to him, should the subdivision be granted. Attorney Flynn had advised Mr. Martin to attend the ZBA hearing and make his wishes known. It was the decision of the Planning Board to submit a negative opinion to the ZBA in this matter.

Snakes Motorcycle Club -- CEO Oliver stated that in his opinion, the proposed structure could be placed on the property in such a manner as to make a setback variance unnecessary. He had suggested this to the club members, but it was their decision to apply for a variance anyway. It was the decision of the Planning Board to submit a negative opinion to the ZBA in this matter, since no reason had been given as to why the structure could not be located according to the setback requirements.

The Board then discussed points of procedure under the new Site Plan Review law. Attorney Flynn explained that even if an applicant receives certain specific relief from the ZBA, the Planning Board retains the right to further examine the applicant's plans, insuring that all considerations outlined by SEQR have been properly addressed.

David Oliver expressed some concerns about the language of the Site Plan Review law. In his view, the law addressed cases in which a Site Plan Review would be required, but did not specifically state that the code enforcement officer has the authority, in certain cases, to issue permits without first receiving approval from the Planning Board. As the members had just received the revised law in its new format, it was agreed that it should be reexamined in order to determine whether the language of the law reflected the intent of the Board.

Regarding the matter of Mr. Hooper, CEO Oliver stated that the only permit which had been issued was for the alteration to the north side of the building. Regarding Mr. Hooper's receipt for \$20.00 for an excavation permit, CEO Oliver explained that the Town Clerk had previously been collecting permit fees at the time the application forms were given out. CEO Oliver had since advised her not to collect fees until the permit was actually granted. Attorney Flynn stated that administrative errors are not binding upon the validity of a permit. CEO Oliver stated the Mr. Hooper was aware that he did not have an excavation permit, as his application had been returned to him, marked incomplete. In a letter dated February 24, 1992, CEO Oliver listed the item numbers on the application form which had been left unanswered. In addition, no SEQR form had been submitted.

It was determined that to bring his property into compliance Mr. Hooper will be required to do the following:

- 1) apply to the ZBA for expansion of his original special use permit,
- 2) submit a completed excavation permit application,
- 3) submit a building permit application for the new addition,
- 4) submit an application for Site Plan Review, complete with SEQR, which details parking, ingress and egress.

Robert Magee and Chairman Venema agreed to draft a letter to Mr. Hooper informing him of these requirements.

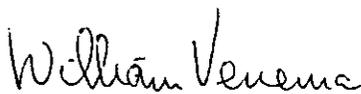
David Oliver reported that Mr. Champlain of 7341 Fish Hatchery Road had applied for a building permit for a wheelchair ramp. CEO Oliver inquired whether a permit was required. It was determined that the ramp would not be considered a structure and therefore would not require a permit.

The Board then discussed the survey requirement for a minor subdivision application. The Board could find no clear definition of the term "tract," as found in section 93-25B. It could not be determined whether "tract" referred to the entire parcel or to the new parcel being created. Robert Magee suggested that a legal opinion as to the definition of "tract" be obtained before developing any new policies.

David Oliver informed the Board that he had developed a procedure to address code violations and was preparing copies to be distributed to Board members. Attorney Flynn informed the Board that he had drafted a law to go before the Town Board at their next meeting which would give the code enforcement officer and the building inspector the authority to issue appearance tickets to code violators.

As there was no further business before the Board, Mardo Doherty made a motion to adjourn the meeting at 10:58 P.M.E.D.T. Robert Magee seconded this motion. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
SEPTEMBER 2, 1992

PRESENT: Mardo Doherty, Member
Robert Magee, Member
Randy Robinson, Member
William Venema, Chairman
Brian C. Flynn, Town Attorney
David Oliver, Code Enforcement Officer
Roxanne Gaylord, Recording Secretary

PUBLIC PRESENT: Victor B. Bentley
Milford C. Gridley
Steve Perkins
Erwin Robinson

The Public Hearing for the Minor Subdivision Application of Victor B. Bentley was opened by Chairman Venema at 7:05 P.M.E.D.T. Mr. Bentley was present to answer questions. The Board examined the survey map and found the proposed subdivision to meet the minimum square footage and frontage requirements. Randy Robinson inquired as to the general purpose for the subdivision. Mr. Bentley replied that he would retain one parcel, and sell a second parcel as recreational (to be reserved for hunting). The third parcel had previously been sold and was included in this application to bring it into compliance. The Board reviewed the application and found it to be complete. As there were no comments or objections regarding this matter, this Public Hearing was closed at 7:11 P.M.E.D.T. Mr. Bentley was advised that he would be notified of the Board's decision.

Chairman Venema opened the Regular Meeting at 7:11 P.M.E.D.T. Robert Magee made a motion to approve the minutes of the August 19, 1992, meeting, as submitted. The motion was seconded by Mardo Doherty. All members voted "Aye."

There was a brief discussion concerning the presence of junk on the Richard Yartym property. This property had been previously subdivided, subject to the condition that the junk would be removed. Attorney Flynn inquired as to the time limit specified by the initial grant of subdivision. Chairman Venema located this document. It stated that the clean-up should be accomplished by July 1, 1989.

Old Business

Hough/Swarthout -- CEO Oliver stated that the only permit which had been applied for, and issued to date, was the building permit to construct interior walls. Robert Magee said that he and Randy Robinson had spoken informally with Pete Swarthout and explained

that additional permits and a Site Plan Review would be required before the proposed business could be started. David Oliver said that he had also related this information to Joe Swarthout during a telephone conversation. As no such applications have been filed as yet, Attorney Flynn suggested that these requirements be explained in writing to Mr. Swarthout. After a brief discussion, it was determined that according to the Town of Urbana Code, Section 105-11, the proposed business use is permitted by right, and does not require the applicant to obtain a special use permit from the Zoning Board of Appeals. It was determined, however, that the proposed business would constitute an intensification of use and therefore a Site Plan Review would be necessary. The secretary was directed to draft a letter to Mr. Peter Swarthout informing him of the additional requirements.

The Board then discussed the need to develop a policy which would clearly outline procedures to be taken against Code violators. Suggested procedures included bringing charges in Justice Court and/or the Supreme Court. David Oliver and Attorney Flynn agreed to outline such a policy and present an initial draft to the Board at their next regular meeting on October 10, 1992. Attorney Flynn also suggested that the Planning Board consider submitting a written proposal to the Town Board recommending that the signs posted at the Town borders clearly announce the fact that building permits are required in the Town of Urbana.

David Oliver informed the Board that the revisions to the Site Plan Review law had been approved by the State. Since the Code Enforcement Officer will now be able to approve many permit applications without sending them to the Planning Board, CEO Oliver agreed to provide the Board with a list of projects which receive his approval.

CEO Oliver then made the following report to the Board:

Ralph Baker, 168 E. Lake Road -- application to replace a garage. The proposed garage exceeds the original foundation, therefore, the application was DENIED on the basis of setback from the road.

Don Bailey -- request to construct a deck APPROVED.

Snug Harbor, West Lake Road -- CEO Oliver received a complaint from Phil Jones, a neighbor, regarding the operation of a bed and breakfast. CEO Oliver notified Tim Tomkins that a special use permit would be required. As several concerns have been raised regarding the condition of Snug Harbor's septic system, Attorney Flynn suggested that the Planning Board submit a recommendation to the Zoning Board of Appeals that a special use permit be granted only on a conditional basis, contingent upon a satisfactory report on the septic system.

Frances Viviano, West Lake Road -- a complaint had been received from Mr. Dorsey, a neighbor, regarding a shed which Ms. Viviano had erected on the property line. No permit had been issued for

this shed. Arthur Chapman had issued a stop work order in May, 1991, which had not been heeded. Upon receiving a notification of Code violation from CEO Oliver, Ms. Viviano contacted the Town Clerk to inquire as to what action she should take. CEO Oliver informed Ms. Viviano that her options were to remove the shed or seek a variance from the ZBA.

Sharon Sayers -- a complaint was received from a neighbor regarding Ms. Sayer's deck. Said deck had been constructed subsequent to the granting of a variance by the ZBA. Ms. Sayer's neighbor felt that it exceeded the dimensions specified in the variance. CEO Oliver confirmed this, noting that the new deck was in direct violation of the side setback requirements, and that the variance applied only to the front setback. CEO Oliver sent two letters notifying Ms. Sayers of the violation. No response had been received as of the present meeting.

Bentley/Hartley -- a notice of violation was sent by CEO Oliver regarding construction of a garage barn for which no permit had been issued.

Junk cars -- CEO Oliver issued 6 violations. He provided a list of the names to Attorney Flynn.

Jackson Burm (92-050) -- application for a building permit for a 24' X 30' structure (pavilion). CEO Oliver informed Mr. Burm that under the camper law, his property constitutes a trailer camp, and that he should apply for the appropriate permits. Mr. Burm stated that it was his understanding that his property was covered by the grandfather clause. CEO Oliver informed him that this was not the case. The Board discussed the issuance of a building permit for the structure mentioned above, which, in itself, does meet Code requirements. Attorney Flynn advised the Board that it was their duty to consider all reasonable potential uses for this structure, taking into consideration the current circumstances which exist on the property. Robert Magee made a motion to notify Mr. Burm that the Planning Board would withhold action on his application for a building permit until such time as he could come before the Board for a concept review regarding his campground, presently in violation of the Town Code. Mardo Doherty seconded this motion. All members voted "Aye." Robert Magee and Chairman Venema stated that they would prepare the letter.

The Board then reviewed initial drafts of a response to Stan Clark and Ernest Peltz regarding their presentation of August 19, 1992. Robert Magee stated that he would type up the final draft, show a copy to Jim Presley (absent from the current meeting), and then give the letter to Chairman Venema for final review.

The Board also discussed the possibility of one or more members attending the state conference of Planning Boards. Attorney Flynn stated that he would check on the dates for this conference.

Sign Violations:

Castle Grisch -- notified by CEO Oliver of the violation. A sign permit application had been submitted and subsequently returned due to incomplete information.

Ray Kolo -- notified by CEO Oliver of the violation. No permit had been issued.

Luther Perkins -- the Town Board approved an application submitted by Mr. Perkins for a temporary sign promoting the cancer society.

Responding to an inquiry about action taken on behalf of Steve Lang's complaint regarding the corn stand, Erwin Robinson informed the Planning Board that the Town Board had discussed the matter and decided to defer back to the Planning Board. As the Planning Board had received no notification of the Town Board's decision from the Supervisor, this matter was set aside until such notification.

Regarding application 92-057, Hooper -- CEO Oliver explained that this application was submitted in response to a stop work order. The applicant had been granted a variance by the ZBA which allowed him 20' feet on either side of the structure, but has now exceeded these dimensions. In addition, the property has been filled with no excavation permit. These filled areas are now being used for tractor trailer parking, creating a traffic hazard. CEO Oliver stated that he had asked Mr. Hooper to attend the current meeting, but as he was not present, no action was taken on his application.

92-062, Scotchmer -- Based on the Board's review of 92-062, Scotchmer, the application was found to be in order and in compliance with the Town Code. Randy Robinson made a motion that the Board waive any further Site Plan Review regarding this matter. The motion was seconded by Mardo Doherty. Roll call vote was taken:

Robert Magee -- Aye
Randy Robinson -- Aye
Mardo Doherty -- Aye
Chairman Venema -- Aye

92-061, McCann -- application to place a mobile home. The Board requested that a copy of the septic certificate be submitted prior to acting on the application.

In the matter of the subdivision application of Victor B. Bentley, the Board reviewed the SEQR Full Environmental Assessment Form, Part 1, and completed Part 2. All items having been checked "No," it was the unanimous opinion of the Planning Board that this division of land would not have any significant environmental impact. A motion was made by Robert Magee that the Planning Board place in its file a written Notice of Determination of

Non-Significance (Negative Declaration) and request that Attorney Flynn prepare the Negative Declaration and file it. The motion was seconded by Mardo Doherty. Roll call vote was taken:

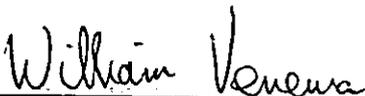
Robert Magee -- Aye
Randy Robinson -- Aye
Mardo Doherty -- Aye
Chairman Venema -- Aye

Consistent with the foregoing procedures, Robert Magee made motion to approve the Bentley/Andruss/Hickey Minor Subdivision Application and instruct the Chairman to sign the survey. Randy Robinson seconded this motion. Roll call vote was taken:

Robert Magee -- Aye
Randy Robinson -- Aye
Mardo Doherty -- Aye
Chairman Venema -- Aye

As there was no further business before the Board, Mardo Doherty made a motion to adjourn the meeting at 10:31 P.M.E.D.T. Randy Robinson seconded this motion. All members voted "Aye."

Approved


William Venema
William Venema

TOWN OF URBANA PLANNING MEETING
AUGUST 19, 1992

PRESENT: Mardo Doherty, Member
Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member
William Venema, Chairman
Roxanne Gaylord, Recording Secretary

PUBLIC PRESENT: Stanley Clark
Ernest Peltz
Dorothy Beers
Earvin Brown
Dick Eisenahrt
George Veley
Barbara Walker
Paul and Elsie Wood

Chairman Venema convened the meeting at 7:14 P.M.E.D.T. Robert Magee inquired about a reference in the minutes of the August 5, 1992, meeting, to the Swarthout/Hough application, 92-056. He pointed out that only the name Hough had appeared on the building permit application, dated August 5, 1992, which had been reviewed by the Board that same evening. The Secretary stated that the application was listed as Swarthout/Hough in the Town Clerk's log book. After further review, it was noted that Mr. Linwood Hough's name did appear on the building permit application, however, Mr. Joseph Swarthout had filed an application for concept review of this project on August 6, 1992. Robert Magee then made a motion to approve the minutes of the August 5, 1992, meeting. Jim Presley seconded this motion. Roll call vote:

Robert Magee -- Aye
Jim Presley -- Aye
Mardo Doherty -- Abstained
Randy Robinson-- Abstained
Chairman Venema- Aye

Old business -- Robert Magee asked about a notation on the cover sheet of Mr. Hough's building permit application, 92-056. This note stated that Mr. Swarthout completed an application for concept review on August 6, 1992. Therefore, this application had not been available to the Board at the August 5, 1992, meeting. Mr. Magee further pointed out that although a quorum had been present at that meeting, the motion to waive Site Plan Review of application 92-056 did not carry. The vote had been 2 affirmative to 1 negative, which does not constitute a majority. In addition, the Board had not received an application for a sewage disposal permit or a sign permit. A floor plan sketch marked 92-056 was now attached to the application, which had not been available to

the Board at the August 5, 1992, meeting. There was no indication of ingress and egress, parking, storage, sewage disposal, etc. on this sketch. Randy Robinson pointed out that the neighbors in the area should have an opportunity to speak out about these plans. Chairman Venema agreed to speak to CEO Oliver in order to establish which permits, if any, had actually been issued. Randy Robinson inquired as to the scope of the business to be started at the site. Chairman Venema stated that it was his understanding that the business would be full-time. It was decided that Chairman Venema would send a letter to Mr. Swarthout stating that, upon review of his application of August 6, 1992, the Board had certain questions and would like to schedule an informal concept review at his convenience.

Randy Robinson inquired as to whether Randy Scotchmer had a building permit for construction of a pole barn. Chairman Venema said that he would check into this.

Regarding application 92-049, Gardiner -- Chairman Venema informed the Board that this matter was scheduled to go before the Zoning Board of Appeals. It was determined that the Planning Board had no objections to this variance and would submit no formal recommendation to the ZBA.

Robert Magee inquired as to the status of the Pleasant Valley Inn project. Chairman Venema advised the Board that a satisfactory report regarding the Pleasant Valley Inn's septic system had been received from Bill Mahrt.

Regarding 92-050, Jackson Burm -- (previously submitted under the name Miller. As Mr. Miller is the contractor, not the property owner, the application was returned and refiled by the property owner, Mr. Burm.) This matter was scheduled for a concept review on September 2, 1992.

The remainder of the meeting consisted of a presentation by Stanley Clark and his attorney, Ernest Peltz, of a proposal to construct condominiums on Bully Hill, and a discussion by the Board of said project.

Mr. Peltz explained that he and Mr. Clark were seeking from the Planning Board some sentiment of agreement or disagreement, in principle, with the proposal, prior to filing an official application for Site Plan Review. Mr. Peltz presented a map of the site, drawings of the units, (previously seen by the Board and, according to Mr. Peltz, unchanged from that time), a conceptual rendering of the project (not to scale), and an engineer's drawing indicating the slope of the site, all of which the Board examined. Mr. Peltz summarized certain aspects of the project as follows: the property lies within the Town of Urbana, however, there is a Village hydrant nearby, therefore creating minimal expenditure to supply water to the project. The estimated cost of the project is \$5 million. The expected tenant population is expected to consist of "mature people." One garage unit would

be built underneath each unit; there would be space for one additional car per unit, and guest parking. Sewage would be pumped up to the top of the hill; the proposed disposal method is one approved by the DEC.

Chairman Venema inquired as to how many units were proposed, to which Mr. Peltz answered 48. Chairman Venema pointed out that this was 4 times the density allowed by law. Randy Robinson asked whether core samples had been taken. Mr. Peltz stated that, while performing percolation tests, they had dug through layers of clay and gravel with a backhoe, had hit rock. Jim Presley explained that this type of soil would provide a good building foundation, but that waste disposal would have to be done elsewhere. Randy Robinson asked whether the units would be occupied year-round. Mr. Peltz explained that the project would be designed and built as year-round dwellings, although informal market research had shown that some people would use them seasonally. Jim Presley asked how the construction process would be initiated. Mr. Clark replied that bids would be put out for contractors and construction would proceed from there. Robert Magee asked if the property intended for the proposed septic system fronts on Bully Hill Road. Mr. Peltz replied that it does at one point, but that the actual system would not be near the road and that an easement right-of-way had been obtained. Mardo Doherty pointed out that the proposed building height, 4 stories, exceeds the legal limit and would require a variance. Mr. Peltz stated that he realizes that this project, being completely different from anything currently located in the Town of Urbana, would require certain variances.

Mr. Peltz asked the Board for some indication as to whether or not this project, assuming that proper construction methods were used, proper drainage established, etc., could be built in the Town of Urbana. Randy Robinson asked whether any other state agencies, other than the DEC, had been contacted regarding this project, for example, the DOT regarding traffic ramifications, or the Soil Conservation Service regarding erosion hazards. Mr. Peltz explained that the DEC was the only state agency contacted so far, and that before incurring any additional costs involved in bringing in other agencies, he wanted to get the subjective feelings of the Planning Board toward this project. Mr. Peltz acknowledged that any of these agencies could potentially shut down the project.

Robert Magee stated that to voice a disposition at such an early stage would make the Planning Board guilty of prejudging the project. Mr. Peltz agreed, to the extent that a prejudgment would indicate to him whether a properly constructed project of this sort would fit into the overall plan for the Town of Urbana. Robert Magee categorized three areas of review which this project would encounter. The first set of hurdles would be the multiple variances which would be required (height, density, zoning). Mr. Peltz stated that he was prepared for these problems. Mr. Magee stated that the second area to be considered would be how this

project would figure into the comprehensive plan for the Town. The third area would be other forms of review. In Mr. Magee's opinion, these types of reviews--geological surveys, engineering reports, environmental reviews before, during and after construction--would be intense, largely due to the slope of the proposed building site. With no information available based upon these types of review, Mr. Magee felt that the Board could not formulate an opinion of the project. Mr. Peltz posed a hypothetical question: given that the project is engineered correctly, received all required variances, received approval from all state and federal agencies, does the Planning Board look favorably on this project? Robert Magee stated that this question goes back to the abstract, comprehensive plan for the Town.

Chairman Venema stressed the need to keep watershed property at a low density, in order to permit as much absorption as possible. Mardo Doherty asked if Mr. Clark would consider building fewer units. Mr. Clark responded that he had already reduced the proposed number of units from 60 to 48.

Mr. Peltz asked if any project of this type, not this particular project, but condominiums in general, would fit into the future plans for the Town. Chairman Venema explained that while the current code does address "cluster development," the population density of the Town had not reached such a point that plans had been made for condominiums.

Randy Robinson pointed out that due to the proximity of the project to the Village of Hammondsport, the Village Planning Board should have an opportunity to add their input. Mr. Peltz replied that they had met with the Village in March of 1991. Chairman Venema stated that there would be considerable impact on Village traffic.

Mr. Peltz asked if there were a place in the Town of Urbana for a 48 unit project. Chairman Venema explained that such a project would not be beyond the consideration of the Board, were it situated in a suitable location, such that the surrounding area would not be jeopardized.

Robert Magee stated that the impact of multiple dwellings on a community reaches far beyond the physical changes to the environment. He explained that hypothetically, there is room for such a project in the Town of Urbana. It would involve, however, entering into an area never before dealt with by the Town and would therefore require a cautious approach which would insure that all concerns were addressed. For example, Mr. Magee pointed out that the local economy could be seriously and adversely affected if the proportion of seasonal to year-round residents were to be altered significantly. Because this and other concerns had not been fully addressed, Mr. Magee stated that he could not give Mr. Peltz and Mr. Clark an informed opinion on their proposal. Mardo Doherty also stated that there were many questions about the project that had not been addressed.

Mr. Clark stated that he had already done considerable preliminary work and expressed his wishes to have a definite opinion from the Board. Chairman Venema responded that the proposed location could not support such an ambitious project. Randy Robinson stated that he would need more information from outside sources, particularly with regard to the project's environmental impact, in order to form an opinion.

The Board was then addressed by Dorothy Beers. Mrs. Beers stated that the Village Planning Board has under consideration a condominium project. In her opinion, that project was being rushed through, and she wondered how the Village Planning Board could take such a different view of a similar project. Chairman Venema responded that the Town Planning Board could not speak for the Village Planning Board. Robert Magee pointed out that the proposed Village project was within 500 feet of the Town border, and that an agreement between the Town and the Village would provide the Town Planning Board an opportunity to be involved in that project. Similarly, the Village would have input regarding Mr. Clark's proposal.

Mr. Clark asked if a vote could be taken regarding his proposal. Robert Magee, Randy Robinson, and Mardo Doherty stated that they would have to abstain from a vote at this time. Chairman Venema stated that under the law, the Planning Board could not approve this project.

Jim Presley asked if the Board could, within a certain amount of time, form an opinion as to whether condominiums, in general principle, would have a place in the Town. He further asked if it is indeed the responsibility of the Planning Board to develop a conceptual plan for the Town. Robert Magee answered affirmatively. He further stated that the current plan needed to be reviewed in order to address proposals such as Mr. Clark's, and to work toward a balance of local and seasonal residents.

At this point, Mr. Peltz thanked the Board for its time and he and Mr. Clark left the meeting.

Robert Magee asked the three citizens still present for their feelings on condominiums. Dorothy Beers said that in her opinion, the Planning Board was being judgmental against Mr. Clark. She stated that condominiums were inevitable and that the Town of Urbana should share in the benefits, just as other communities would. Paul and Elsie Wood agreed, stating that they thought the project was a good idea and had no objections to it. Robert Magee responded that the Board had no personal grievances against Mr. Clark, and that the Board objectively reviews each proposal it receives. There was then a general discussion not directly related to Mr. Clark's condominium proposal.

As there was no further business before the Board, Robert Magee made a motion to adjourn the meeting at 10:30 P.M.E.D.T. Randy

Robinson seconded this motion. All members voted "Aye."
Subsequent to the meeting, the Board held a work session to draft
correspondence.

Approved

William Venema

William Venema

TOWN OF URBANA PLANNING MEETING
AUGUST 5, 1992

PRESENT: Robert Magee, Member
Jim Presley, Member
William Venema, Chairman
Roxanne Gaylord, Recording Secretary
David Oliver, Code Enforcement Officer

PUBLIC Joseph Baran
PRESENT: Barbara Bentley
Marie Stopka
Robert Cole, Jr., Attorney

The Public Hearing for the Minor Subdivision Application of Joseph Baran was opened by Chairman Venema at 7:05 P.M.E.D.T. Mr. Baran was present to answer questions. The Board examined the survey map and found the proposed subdivision to meet the minimum square footage and frontage requirements. The Board reviewed the application and found it to be in order. As there were no comments or objections regarding this matter, this Public Hearing was closed at 7:10 P.M.E.D.T. Mr. Baran was advised that he would be notified of the Board's decision.

Chairman Venema opened the regular meeting at 7:12 P.M.E.D.T. Chairman Venema made a motion to accept the minutes of the July 1, 1992, meeting as submitted. The motion was seconded by Robert Magee. All members voted "Aye." Chairman Venema made a motion to accept the minutes of the July 15, 1992, meeting as submitted. The motion was seconded by Jim Presley. All members voted "Aye."

The Board then conducted a preliminary review of the subdivision application of Victor B. and Barbara J. Bentley. Barbara Bentley was present to answer questions. This subdivision involves 3 parcels: one 55 acre lot to be sold, one 10 acre lot which has already been sold, and a 25 lot to be retained by the Bentleys. Mrs. Bentley explained that they did not realize that they were out of compliance at the time the 10 acres was sold, and had therefore included it as part of their current application. The Board examined the survey map and determined that the minimum frontage requirements had been met. All other documents, a copy of the deed, tax receipts, and SEQR part 1, appeared to be in order. The Board determined that this matter could be scheduled for a Public Hearing. As the next Regular Meeting of the Board would be September 2, 1992, Mrs. Bentley requested an earlier date if possible. Chairman Venema advised Mrs. Bentley of the time requirements involved in advertising a Public Hearing, but stated that the Board would schedule a special meeting for August 19, 1992, if these advertising requirements could be met.

The Board then conducted a preliminary review of the subdivision application of Marie Stopka. Mrs. Stopka and her attorney, Robert Cole, were present to answer questions. Attorney Cole stated that Mrs. Stopka had given CEO David Oliver an application for subdivision, SEQR, tax receipts, a copy of the deed, and a survey map dating from 1942. He explained that Mrs. Stopka wishes to deed 2 acres of the original 72 acres to her son, and for financial reasons, requests an exemption from the requirement for a new survey. The Board examined the available maps, but found a lack of correspondence between the 1942 survey and the current tax maps. Attempting to describe the exact location of the 2 acre parcel, Attorney Cole explained that the parcel would be contained within Mrs. Stopka's property, i.e., not located at the edge of the property line, but that there would be 364' of road frontage from the property line of the nearest neighbor to the edge of the 2 acre lot.

The Board advised Mrs. Stopka that a new survey would actually be in her best interests. Because Mrs. Stopka stated that this was not possible, the Board discussed possible alternatives. Robert Magee asked if a tape measurement map would suffice. Chairman Venema pointed out that without an official survey, there would be nothing to place on file which indicated approval of the subdivision. Attorney Cole cited another case in which a statement had been filed in lieu of a survey map. Chairman Venema pointed out that in that case, the property was defined by bounding roadways. Jim Presley commented that the Bailey property bordering Mrs. Stopka's land was purchased within the past 5 years and suggested that Mr. Bailey may have a recent survey map. In addition, the state land bordering the Stopka property should also be clearly defined. It was determined that although the remainder of the application was in order, something more definitive than the 1942 survey map would be required. The Board suggested that maps of neighboring properties be located in order to more clearly define certain boundaries. Attorney Cole inquired as to the possibility of surveying only the proposed 2 acre parcel. Chairman Venema agreed to obtain an opinion from Attorney Flynn regarding these alternatives. This matter was tentatively scheduled for further review at the August 19, 1992, meeting.

The Board then conducted a preliminary review of the subdivision application of Jack Bishop. It was determined that the proposed lots would not meet the minimum frontage requirement, and that the current lot could not be legally subdivided. Jim Presley made a motion to deny the request for subdivision. Robert Magee seconded this motion. Roll call vote was taken:

Robert Magee	-- Aye
Jim Presley	-- Aye
Chairman Venema	-- Aye

Chairman Venema stated that he would notify Mr. Bishop of the Board's decision.

The Board then reviewed the following applications:

92-042, Newfang -- application for a sign permit. It was determined that although this location is zoned agricultural, it had been designated for special use as a highway business. The Board agreed that CEO Oliver should insure that the sign meets the code requirements applicable to highway businesses. Based on the Board's review of 92-042, Newfang, Robert Magee made a motion that the Board waive any further Site Plan Review regarding this matter, the actual sign being subject to approval by CEO David Oliver. Jim Presley seconded this motion. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

In the matter of the subdivision application of Joseph Baran, the Board reviewed the SEQR Full Environmental Assessment Form, Part 1, and completed Part 2. All items having been checked "No," it was the unanimous opinion of the Planning Board that this division of land would not have any significant environmental impact. A motion was made by Chairman Venema that the Planning Board place in its file a written Notice of Determination of Non-Significance (Negative Declaration) and request that Attorney Flynn prepare the Negative Declaration and file it. The motion was seconded by Robert Magee. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

Consistent with the foregoing procedures, Chairman Venema made a motion to approve this Minor Subdivision Application. Robert Magee seconded this motion. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

92-036, Amidon -- application for placement of trailer. Based on the Board's review of 92-036, Amidon, the application was found to be in order and in compliance with the Town Code. Jim Presley made a motion that the Board waive any further Site Plan Review regarding this matter. The motion was seconded by Robert Magee. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

92-045, Vickery -- application to construct a deck. Based on the Board's review of 92-045, Vickery, the application was found to be in order and in compliance with the Town Code. Jim Presley made a motion that the Board waive any further Site Plan Review regarding this matter. The motion was seconded by Robert Magee. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

92-046, Meyer -- application to construct a storage garage. Based on the Board's review of 92-046, Meyer, the application was found to be in order and in compliance with the Town Code. Robert Magee made a motion that the Board waive any further Site Plan Review regarding this matter. The motion was seconded by Jim Presley. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

92-049, Gardiner -- application for placement of trailer. Robert Magee pointed out a notation on the application, made by CEO Oliver, indicating that the new trailer would be technically non-conforming (because of the pitch of the roof), but that the new trailer would be 14' wide, and more nearly conforming than the existing trailer. It was determined that CEO Oliver could either issue the building permit, or deny it and send the matter to the Zoning Board of Appeals. Based on the Board's Review of 92-049, Gardiner, Jim Presley made a motion to waive any further Site Plan Review regarding this matter. Robert Magee seconded this motion. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

92-050, Miller -- application to construct a pole structure to be used as an RV port. The Board determined that more information was needed regarding this matter and tabled its discussion until CEO Oliver arrived.

92-052, Bentley -- application to construct a garage and workshop. (Structure already completed). Based on the Board's review of 92-052, Bentley, the application was found to be in order and in compliance with the Town Code. Robert Magee made a motion that the Board waive any further Site Plan Review regarding this matter. The motion was seconded by Jim Presley. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

92-054, Zamiara -- application to construct a covered walkbridge. (Structure already completed). It was noted in the application that a bridge already existed on this location and the construction was decorative. Based on the Board's review of 92-054, Zamiara, the application was found to be in order and in compliance with the Town Code. Jim Presley made a motion that the Board waive any further Site Plan Review regarding this matter. The motion was seconded by Robert Magee. Roll call vote was taken:

Robert Magee -- Aye
Jim Presley -- Aye
Chairman Venema -- Aye

In other business, the Board agreed to schedule an informal meeting with Stan Clarke regarding his condominium development for August 19, 1992, at 8:00 (following the tentatively scheduled Public Hearing.)

Robert Magee distributed to the Board members sign control information published by the State, to be read and discussed at a later date. He also inquired on behalf of Steve Lang (Van Scoter's Green Grocery) as to the legality of vendors selling produce in the vicinity of Mr. Lang's business, specifically, next to the county salt pile. Mr. Magee had suggested that Mr. Lang call Supervisor Garrison.

Upon the arrival of CEO Oliver, application 92-050, Miller, was discussed further. It was determined that as the property was already out of compliance with the camper law, CEO Oliver would send a copy of said law to the applicant and pay a visit to the site.

Regarding 92-049, Gardiner, CEO Oliver described the roof of the proposed trailer as crowned, not peaked. It was determined that this matter be referred to the ZBA.

CEO Oliver discussed with the Board possible revisions to the various permit application forms used by the Town of Urbana. He expressed his concern that too much information was duplicated among the forms, creating unnecessary paperwork for both the applicant and the Town. He presented an application form obtained by Attorney Flynn from the Town of Livonia as a model for potential revisions. The Board reviewed this form and determined that it, along with forms from other Towns still to be obtained, should be used to develop a new form for the Town of Urbana.

The Board also reviewed 92-056, Swartout/Hough, application to convert a storage facility to a highway business. The new business would involve boat engine repair and the construction would be limited to the interior of the building. Robert Magee expressed a concern regarding boat storage at the facility, disposal of oil, and general intensification of usage. CEO Oliver pointed out that the proposed usage did fall within the categories of allowable usage in this zone, according to the Town of Urbana Code. Based upon the Board's review of 92-056, Swartout/Hough, Jim Presley made a motion to waive any further Site Plan Review regarding this matter. Chairman Venema seconded this motion. Roll call vote was taken:

Jim Presley -- Aye
Chairman Venema -- Aye
Robert Magee -- No

As there was no further business before the Board, Jim Presley made a motion to adjourn the meeting at 10:08 P.M.E.D.T. Robert Magee seconded this motion. All members voted "Aye."

Approved

William Venema
William Venema

TOWN OF URBANA PLANNING MEETING
JULY 15, 1992

PRESENT: Margaret Doherty, Member
Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member
William Venema, Chairman

The meeting was called to order at 7:25 P.M.E.D.T. The Board conducted a preliminary review of the minor subdivision application (2 parcels) of Joseph Baran. All submissions were found to be in order. Based on the Board's review, Robert Magee made a motion that the Baran application could be scheduled for a Public Hearing on August 5, 1992. Mardo Doherty seconded this motion. All members voted "Aye."

The Board then reviewed #92-039, Plaskov, application for construction of a storage barn. Based on the Board's review of #92-039, Plaskov, the application was found to be in order and in compliance with the Town Code. Mardo Doherty made a motion that the Board waive any further action on this matter. Randy Robinson seconded this motion. Roll call vote was taken:

Randy Robinson -- Aye
Robert Magee -- Aye
Jim Presley -- Aye
Mardo Doherty -- Aye
William Venema -- Aye

Regarding application #92-038, Spencer -- Chairman Venema informed the Board that he had received the required septic report, via Charlie Egresi.

The Board then reviewed #92-041, Calkins, application to add a two-story addition to the existing home. Jim Presley made a motion to approve this application contingent upon submission of a favorable report from the watershed inspector and a profile drawing of the structure indicating the height of the building. Randy Robinson seconded this motion. Roll call vote was taken:

Randy Robinson -- Aye
Robert Magee -- Aye
Jim Presley -- Aye
Mardo Doherty -- Aye
William Venema -- Aye

The Board then reviewed #92-040, Hooper, application to renew a sign permit. Based on the Board's review of #92-040, Hooper, the application was found to be in order and in compliance with the Town Code. Robert Magee made a motion to approve the application. Mardo Doherty seconded this motion. Roll call vote was taken:

Randy Robinson -- Aye
Robert Magee -- Aye
Jim Presley -- Aye
Mardo Doherty -- Aye
William Venema -- Aye

The Board then reviewed #92-047, Pruyn, application to construct a pole barn. Based on the Board's review of #92-047, Pruyn, the application was found to be in order and in compliance with the Town Code. Mardo Doherty made a motion that the Board waive any further action on this matter. Jim Presley seconded this motion. Roll call vote was taken:

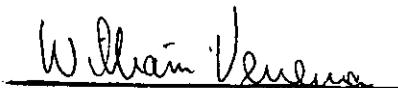
Randy Robinson -- Aye
Robert Magee -- Aye
Jim Presley -- Aye
Mardo Doherty -- Aye
William Venema -- Aye

The Board then reviewed #92-044, Curtiss Museum, application to place a sign at the entrance to the new museum building. Citing section 105-4 of the Town of Urbana Code, Mardo Doherty made a motion that this banner be exempt, based on the Curtiss Museum's status as a not-for-profit organization. This motion was seconded by Jim Presley. Roll call vote was taken:

Randy Robinson -- Aye
Robert Magee -- Abstained
Jim Presley -- Aye
Mardo Doherty -- Aye
William Venema -- Aye

As there was no further business before the Board, William Venema made a motion for adjournment. The motion was seconded by Mardo Doherty. All members voted "Aye." The meeting was adjourned at 9:30 P.M.E.D.T.

Approved



William Venema

X

TOWN OF URBANA PLANNING MEETING
July 1, 1992

PRESENT: Margaret Doherty, Member
Robert Magee, Member
Randy Robinson, Member
William Venema, Chairman
Roxanne Gaylord, Recording Secretary
Charles Egresi, Acting Building Inspector

PUBLIC PRESENT: Leonard Paul Wood

Chairman Venema called the meeting to order at 7:05 P.M.E.D.T. Mardo Doherty made a motion to approve the minutes of the June 3, 1992, meeting as submitted. The motion was seconded by Randy Robinson. All members voted "Aye." Randy Robinson made a motion to approve the minutes of the June 10, 1992, meeting as submitted. The motion was seconded by Mardo Doherty. All members voted "Aye." Robert Magee asked if all the materials from the three Public Hearings of June 10, 1992, had been reviewed and approved by the Chairman. Chairman Venema answered affirmatively.

Next on the agenda was a preliminary concept review of the proposed Leonard Paul Wood subdivision. Mr. Wood was present to explain his intentions and to ask questions about the application process. Mr. Wood presented preliminary maps which indicated the current deed distribution of his property, and the proposed subdivision. He stated that at this time, no development was planned. The Board examined the maps and reviewed the application procedure with Mr. Wood, explaining the documents which are needed to file a subdivision application. Mr. Wood requested this information in writing and left a copy of his preliminary maps with the Board, along with a letter describing his proposal. Chairman Venema agreed to review this material and notify Mr. Wood regarding the additional documents to be submitted.

Chairman Venema introduced Charlie Egresi to the Board members. Mr. Egresi will be substituting for Arthur Chapman.

Old Business

Site Plan Review Law Revisions -- The Planning Board had received no response to its proposed revisions to the Site Plan Review Law.

Keuka Maid Sewer Line -- No further action was taken in this matter.

Keuka Havens -- Chairman Venema brought before the Board a letter from the regional director of the U.S. Department of Housing and Urban Development regarding Keuka Havens, the 80 bed proprietary adult home which had been reviewed by the Planning Board in late

July 1, 1992

1990. The HUD office had received a request for financial assistance to support this project and was investigating the need for such a facility in the area. The letter invited the Planning Board to submit any information or comments it deemed relevant to this investigation. After reviewing the Keuka Havens proposal, the Board members directed the secretary to draft a letter conveying the Board's approval of the project and expressing the need for this type of facility in the Town of Urbana. (see attached)

New Business

Luther Perkins -- Application #92-035 for a building permit to erect a garage shop. Upon review of the application, Randy Robinson pointed out that the setback distance between the proposed shop and the existing residence had not been indicated. As the Board found the remainder of application #92-035, Perkins, to be in order and in compliance with the Town Code, Robert Magee made a motion that the Board waive any further action on this matter. Mardo Doherty seconded this motion. Roll call vote was taken:

Margaret Doherty	-- Aye
Robert Magee	-- Aye
Randy Robinson	-- Aye
William Venema	-- Aye

After further discussion it was noted that the current application provided no indication of the type of building materials to be used for this project. As this could possibly affect the character of the area and therefore the Board's decision, Robert Magee made a motion that approval of the application be made contingent upon the aforementioned setback distance being obtained and approved by the Code Enforcement Officer, and upon the applicant providing a brief description of the proposed building materials with this application. Randy Robinson seconded this motion. Roll call vote was taken:

Margaret Doherty	-- Aye
Robert Magee	-- Aye
Randy Robinson	-- Aye
William Venema	-- Aye

It was suggested that the building permit application forms be amended so that this information regarding building materials would be included in future applications. Attorney Flynn would be consulted as to whether this revision would require Town approval.

Amidon -- Application #92-036 for placemnt of a trailer. It was noted that no information regarding a well or septic system had been provided in the application. In addition, the subject property is part of the unresolved Baran subdivision. Therefore, the Bdard took no action on this application, pending the resolution of the subdivision.

July 1, 1992

Chairman Venema brought before the Board a new application, #92-037, Pleasant Valley Inn. The proposed construction was described in the application as relocating rooms, adding interior walls, and adding 4 bathrooms. This would be done in order to move the guest rooms from the upper level to the lower level. Robert Magee questioned whether this constituted an intensification of usage and expressed a concern regarding the condition of the septic system, suggesting that it should be inspected. Mardo Doherty noted that the dimensions of the proposed rooms were not indicated on the sketch included with the application. She also asked if the upper level would remain in use once the construction was completed on the lower level. Charlie Egresi responded that it was his understanding that Tom Simmons intended to live upstairs once the guest rooms had been relocated on the lower level. Since the upper level would remain in use, it was determined that this project did constitute an intensification of usage. On the basis of this review, Robert Magee made a motion that the Board contact Mr. Simmons, inform him that the Board has questions regarding the dimensions of the rooms, the intensification of usage, and the adequacy of the septic system, and request a concept review conference with him regarding his project. Randy Robinson seconded this motion. All members voted "Aye."

Also before the Board was application #92-038, Spencer. This proposal involves the addition of a bedroom at 8211B County Route 13. As the building inspector had not yet visited this site, the Board tabled this matter until an inspection could be made.

The Board's next meeting was scheduled for July 15, 1992, subsequent to the ZBA hearing. First on the agenda will be Sign and Zoning Law revisions.

As there was no further business, Robert Magee moved to adjourn the meeting at 9:30 P.M.E.D.T. Mardo Doherty seconded the motion. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
JUNE 10, 1992

PRESENT: Margaret Doherty, Member
Robert Magee, Member, Acting Chairman
Randy Robinson, Member
Roxanne Gaylord, Recording Secretary

PUBLIC PRESENT: Robert Plaskov
Donald Bailey
Doug Bailey
Ann Bailey
John Kaiser
Susie Andrews

The Public Hearing for the Minor Subdivision Application of Jaime Go was opened by Acting Chairman Robert Magee at 7:02 P.M.E.D.T. Attorney Robert Plaskov was in attendance, representing the applicant. The Board reviewed the application and found it to be in order. As there were no comments or objections regarding this matter, this Public Hearing was closed at 7:04 P.M.E.D.T.

The Public Hearing for the Minor Subdivision Application of Paul Aeschbacher was opened by Acting Chairman Robert Magee at 7:04 P.M.E.D.T. Attorney Robert Plaskov was also representing this applicant. He advised the Board that the minimum square foot requirements had been met. The Board reviewed the amended application and found it to be in order. As there were no comments or objections regarding this matter, this Public Hearing was closed at 7:07 P.M.E.D.T.

The Public Hearing for the Major Subdivision to settle the estate of Isabelle Bailey was opened by Acting Chairman Robert Magee at 7:07 P.M.E.D.T. The Bailey family was present to answer questions. Susie Andrews expressed a concern regarding the presence of adequate septic systems. The Bailey family stated that all of their systems were approved systems and that any downhill drainage was surface water. Ms. Andrews expressed her satisfaction with this explanation and expressed no objections to the actual subdivision. Acting Chairman Magee advised Ms. Andrews that the Board's present concern was with the subdivision itself, but that any future concerns regarding the septic systems could be directed to Code Enforcement Officer David Oliver or the Water Shed Inspector.

Randy Robinson asked if the Baileys had been advised that dividing the estate into 4 parcels rather than 5 would constitute a Minor rather than a Major Subdivision. Donald and Doug Bailey responded

that for many reasons, they wanted to stay with their original plan for 5 separate parcels. They also stated that they had received the additional paperwork required for a Major Subdivision and had completed these documents. The Board reviewed the application and found it to be in order, pending a review of the Major Subdivision requirements. The Baileys were advised by Acting Chairman Magee that the Planning Board legally has 60 days to act on their application, but that they could realistically expect notification sooner. As there were no further comments and no objections in this matter, this Public Hearing was closed at 7:14 P.M.E.D.T.

The Board then began their discussion and review of the Go application. Part One of the SEQR was reviewed and Part Two was completed. All items having been checked "No," it was the unanimous opinion of the Planning Board that this division of land would not have any significant environmental impact. A motion was made by Robert Magee that the Planning Board place in its file a written Notice of Determination of Non-Significance (Negative Declaration) and request that Attorney Flynn prepare the Negative Declaration and file it. The motion was seconded by Randy Robinson. Roll call vote was taken:

Margaret Doherty -- Aye
Robert Magee -- Aye
Randy Robinson -- Aye

After a brief discussion, the Board found the Minor Subdivision Application of Jaime Go to be order. Consistent with the foregoing procedures, Robert Magee made a motion to approve this Minor Subdivision Application, subject to the review and approval of Chairman William Venema. Randy Robinson seconded this motion. Roll call vote was taken:

Margaret Doherty -- Aye
Robert Magee -- Aye
Randy Robinson -- Aye

The Board then began their discussion and review of the Aeschbacher application. Part One of the SEQR was reviewed and Part Two was completed. All items having been checked "No," it was the unanimous opinion of the Planning Board that this division of land would not have any significant environmental impact. A motion was made by Robert Magee that the Planning Board place in its file a written Notice of Determination of Non-Significance (Negative Declaration) and request that Attorney Flynn prepare the Negative Declaration and file it. The motion was seconded by Randy Robinson. Roll call vote was taken:

Margaret Doherty -- Aye
Robert Magee -- Aye
Randy Robinson -- Aye

After a brief discussion, the Board found the Minor Subdivision Application of Paul Aeschbacher to be order. Consistent with the foregoing procedures, Robert Magee made a motion to approve this

Minor Subdivision Application, subject to the review and approval of Chairman William Venema. Randy Robinson seconded this motion. Roll call vote was taken:

Margaret Doherty -- Aye
Robert Magee -- Aye
Randy Robinson -- Aye

The Board then began their discussion and review of the Bailey application. Part One of the SEQR was reviewed and Part Two was completed. All items having been checked "No," it was the unanimous opinion of the Planning Board that this division of land would not have any significant environmental impact. A motion was made by Randy Robinson that the Planning Board place in its file a written Notice of Determination of Non-Significance (Negative Declaration) and request that Attorney Flynn prepare the Negative Declaration and file it. The motion was seconded by Mardo Doherty. Roll call vote was taken:

Margaret Doherty -- Aye
Robert Magee -- Aye
Randy Robinson -- Aye

Upon further examination, the Board found the Bailey Application lacking a third copy of the survey map and also lacking an area map identifying the adjacent property owners. Consistent with the foregoing procedures, Robert Magee made a motion to approve this Major Subdivision Application, subject to a review by Chairman William Venema concerning the absence of the aforementioned documents. Randy Robinson seconded this motion. Roll call vote was taken:

Margaret Doherty -- Aye
Robert Magee -- Aye
Randy Robinson -- Aye

In new business, Robert Magee brought before the Board an application by Frank Hartwick to enclose a porch and build a garden shed. Upon examination of the sketch provided with the application, the Board found that neither the distance from the shed to the house nor the setback of the shed from the property line were indicated. Noting the absence of these distances, the Board found the remainder of application #92-031, Hartwick, to be in order and in compliance with the Town Code. Robert Magee made motion that the Board waive any further action on the matter, contingent on the aforementioned distances being obtained and approved by CEO David Oliver. Randy Robinson seconded this motion. Roll call vote was taken:

Margaret Doherty -- Aye
Robert Magee -- Aye
Randy Robinson -- Aye

The Board then held a work session to draft correspondence. Subsequent to the work session, there being no further business, Margaret Doherty made a motion to adjourn the meeting at 10:01 P.M.E.D.T. The motion was seconded by Randy Robinson. All members voted "Aye."

Approved - William Venema

TOWN OF URBANA PLANNING MEETING
JUNE 3, 1992

PRESENT: William Venema, Chairman
Mardo Doherty, Member
Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member
David Oliyer, Code Enforcement Officer
Roxanne Gaylord, Recording Secretary

PUBLIC Alta Bedner
PRESENT: Eldred Stopka, Jr.

Prior to the official opening of the meeting, the Board was addressed at length by Mrs. Alta Bedner. She stated that she was unable to lay out a map of her property, as the Board had advised her to do at the May 6, 1992, meeting, due to her age and her financial situation. After considerable digression, and amidst frequent interruptions from Mrs. Bedner, Robert Magee attempted to explain the application process. Although Mrs. Bedner had in her possession an application which she presented to the Board, the application was incomplete and had never been turned in to the Town Clerk. Robert Magee explained that when the Board received a complete application, they would act on it in accordance with the law. He further explained that, should the application be denied, Mrs. Bedner's next course of action would be to go before the Zoning Board of Appeals. Jim Presley asked Mrs. Bedner if she had considered selling her property with a lifetime use clause, as the Board had suggested at the May 6, 1992, meeting. Mrs. Bedner stated that she had buyers who would consider this, but that she had made up her mind to own part of her land. The Board advised Mrs. Bedner that her land could not be subdivided under the law. Therefore, she would receive a letter stating that her application had been denied, and could then request a variance from the Zoning Board of Appeals. The Board referred Mrs. Bedner to the Town Clerk for the proper application forms and provided her with a list of the ZBA members.

The meeting was officially called to order by Chairman William Venema at 7:28 P.M.E.D.T. A motion was made by Mardo Doherty to approve the minutes of the May 20, 1992, meeting, as submitted. The motion was seconded by Robert Magee. All members voted "Aye."

Old Business

Site Plan Review Update -- Robert Magee informed the Board that he was in the process of reformatting the proposed revisions to the Site Plan Review Law, in accordance with the format currently used in the Town of Urbana Code Book. The proposed changes were reviewed by the Board. The Board agreed to present these proposed revisions to the Town Board at their next meeting on Monday, June 8, 1992. Robert Magee stated that he would provide copies of the reformatted documents to the Planning Board members prior to the Town Board meeting.

New Business

As Mr. Eldred Stopka, Jr., was present, the Board reviewed his application for placement of a double wide trailer on a lot zoned agricultural. CEO David Oliver stated that in his review of the application, he had found the request to be in compliance with the Town Code with regard to trailer specifications, placement, and lot size. Based on the Board's review of #92-030, Stopka, the application was found to be in order and in compliance with Town Code. Robert Magee made motion that the Board waive any further action on this matter. The motion was seconded by Randy Robinson.

Roll call vote was taken:

Mardo Doherty	--	Aye
Robert Magee	--	Aye
Jim Presley	--	Aye
Randy Robinson	--	Aye
William Venema	--	Aye

CEO Oliver stated that he would check with Shirley Para regarding the application of fees previously paid by Mr. Stopka toward the current application fee.

James Pitt -- CEO Oliver reviewed with the Board the status of Mr. Pitt's building permit application. As Mr. Pitt has agreed to lower the building height and has also agreed to exclude the non-conforming deck, no variance would be required. No further action was deemed necessary by the Planning Board.

James L. Arnold -- Questions arose as to whether the \$20,000 construction cost listed in the application was an undervaluation of the actual cost. CEO Oliver explained to the Board that the applicant planned to do the construction himself, with the exception of the foundation, and that upon meeting Mr. Arnold and viewing the property and the existing dwelling, the \$20,000 estimate seemed reasonable. The Board found this acceptable and set the permit fee at \$50. Based on the Board's review of

#92-028, Arnold, the application was deemed to be in order and in compliance with the Town Code. Mardo Doherty made motion that the Board waive any further action on this matter. The motion was seconded by Robert Magee. Roll call vote was taken:

Mardo Doherty	--	Aye
Robert Magee	--	Aye
Jim Presley	--	Aye
Randy Robinson	--	Aye
William Venema	--	Aye

In order to better gauge the accuracy of building cost estimates in the future, the Board members agreed to speak with several contractors and ascertain general guidelines on cost per square foot.

Keuka Maid sewer line -- Upon review of #92-024, CEO Oliver found this application to be incomplete, and therefore had returned it on May 29, 1992. Still needed are a drawing of the holding tank structure, a copy of a statement of insurance coverage during and upon construction, and a drawing from Fagan engineers regarding the location of a well and a PVC sleeve. Robert Magee asked whether the project had DEC approval. David Oliver responded affirmatively. Other questions arose as to the location of the Little League septic tank and its relationship to this project, and the method of pumping to be used. The Board also determined that a statement from the Town of Urbana Board would be needed to confirm that the Town, as the lessor, gives their permission to the lessee, Keuka Maid, Inc., to apply for this permit. The Board elected to forego any action on this application until it was deemed complete.

At his point in the meeting, all items on the agenda had been addressed.

In the matter of Ralph Giancursio, CEO Oliver updated the Board on Mr. Giancursio's recent request for a permit to build a retaining wall prior to beginning construction of his cottage. CEO Oliver sent a response indicating that such a permit could not be granted due to lack of an application.

CEO Oliver also presented to the Board an application he had just received from Vintners International to construct a polebarn-type structure to cover a clarifying unit at Vintners waste water treatment facility. Upon review, the Board determined that the structure had no effect on the actual waste water treatment process, but would merely serve to cover the existing structure. The application was found to be well documented and complete in every aspect. Based on the Board's review of #92-032, Vintners International, the application was deemed to be in order and in compliance with Town Code. Jim Presley made motion that the Board waive any further action on this matter. The motion was seconded by Robert Magee. Roll call vote was taken:

Mardo Doherty	--	Aye
Robert Magee	--	Aye
Jim Presley	--	Aye
Randy Robinson	--	Aye
William Venema	--	Aye

David Oliver presented to the Board a new "Notification of Inquiry or Complaint" Form which he and Robert Magee had developed. The form will be used to track actions taken in identifying and responding to code violations.

Randy Robinson inquired as to the status of Mr. Vincent Long's application for a building permit. Chairman Venema replied that a letter had been sent on March 5, 1992, notifying Mr. Long that his application was incomplete and that a sewage disposal permit would be required. As Mr. Long did not respond to this letter, the Board requested that CEO Oliver send a certified letter to Mr. Long citing him for code violation.

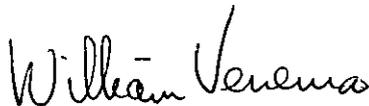
David Oliver informed the Board that he had received a complaint about Karl Hadley's junk cars.

CEO Oliver also presented to the Board a letter from Attorney Peter Baker inquiring as to the status of an application by property owner Viviano, 194 West Lake Road, to construct a shed. The letter referred to a Stop Work Order issued by Arthur Chapman in May of 1991. Mr. Baker's client, Robert Dorsey, a neighbor of Viviano's, claims that the construction has created run-off problems on his property. The letter also informed the Board the Mr. Dorsey is considering possible legal action in this matter.

Chairman Venema reminded the Board members of the need for a quorum at the next meeting, scheduled for June 10, 1992, as it was to be a Public Hearing. The next regular meeting would be July 1, 1992, at which the Board will begin work on developing a sign ordinance.

Randy Robinson moved to adjourn the meeting at 9:52 P.M.E.D.T. The motion was seconded by Robert Magee. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
MAY 20, 1992

PRESENT: William Venema, Chairman
Mardo Doherty, Member
Robert Magee, Member
Randy Robinson, Member
Dave Oliver, Code Enforcement Officer
Roxanne Gaylord, Recording Secretary

The meeting was called to order by Chairman William Venema at 7:10 P.M.E.D.T. A motion was made by Mardo Doherty to approve the minutes of the May 6, 1992, meeting, as submitted. The motion was seconded by Randy Robinson. All members voted "Aye."

Old Business

Keuka Maid Sign -- Robert Magee put before the Board a new sign permit application which he had helped Mr. Ed Briggs prepare. Robert Magee had explained to Mr. Briggs that, because the dimensions of the sign exceed the Town Code requirements, the application would have to be denied. The application was given to CEO Oliver for his review.

Go Subdivision -- The Board reviewed this application and found it to be complete, including deeds, tax receipts, and 3 copies of the official survey map. The Board determined that this matter could be scheduled for a Public Hearing.

Aeschbacher Subdivision -- The Board reviewed the revised survey map which showed an adjustment in the size of the northern parcel. The area had been expanded to .23 acres, which would meet the 10,000 square feet requirement. All other documents were found to be in order. The Board determined that this matter could be scheduled for a Public Hearing.

Bailey Estate Subdivision -- The Board determined that as the current application was for subdivision purposes only, not for building purposes, the survey map included in the application was adequate. For this same reason, it was also determined that the requirements of a Major Subdivision could be waived at the discretion of the Board. This being the case, this matter could be scheduled for a Public Hearing.

Since the next regular meeting on June 3, 1992, would not allow enough time for the publication of the above Public Hearings, the date for these Public Hearings was scheduled for June 10, 1992.

New Business

CEO Oliver placed before the Board #92-027, Sokolowskii, Application for Site Plan Review, regarding the placement of a trailer and the erection of a pole barn on the property. Upon review of this application, the Board questioned whether the proposed trailer would have a peaked roof. CEO Oliver replied that it was his understanding that it would, but because it was not specifically documented in the application, he would check on this point. There was no survey map included in the application, as the survey was not yet complete. The remainder of the application was deemed to be in order. Based on the Board's review of #92-027, Sokolowskii, Application for Site Plan Review, Robert Magee made motion that the Board waive any further action, subject to CEO Oliver's determination that it is in compliance with Town Code, and subject to submission of an official survey map upon its completion. The motion was seconded by Mardo Doherty. All members voted "Aye."

CEO Oliver brought before the Board copies of letters he had sent to Ralph Brewer and Karl Hadley, regarding the renewal of their Junkyard Licenses. The letters informed Mr. Brewer and Mr. Hadley that unless their respective properties were brought into compliance, CEO Oliver would recommend to the Town Board that their permits be revoked.

As there was no further business, a motion was made by Mardo Doherty to adjourn the meeting at 9:05 P.M.E.D.T. The motion was seconded by Robert Magee. All members voted "Aye."

Approved



William Venema
William Venema

TOWN OF URBANA PLANNING MEETING
MAY 6, 1992

PRESENT: William Venema, Chairman
Mardo Doherty, Member
Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member
Brian C. Flynn, Attorney
Dave Oliver, Code Enforcement Officer
Roxanne Gaylord, Recording Secretary

PUBLIC
PRESENT: Dorothy Beers
Richard Falvey
Robert Plaskov, Attorney
Alta Bedner

The meeting was called to order by Chairman William Venema at 7:08 P.M.E.D.T. A motion was made by Bob Magee to approve the minutes of the April 1, 1992, meeting, with two corrections of spelling noted. The motion was seconded by Mardo Doherty. All members voted "Aye." A motion was made by Bob Magee to approve the minutes of the April 15, 1992, meeting, with two corrections of spelling noted. The motion was seconded by Mardo Doherty. All members voted "Aye." Mardo Doherty moved to approve the minutes of the April 22, 1992, meeting. The motion was seconded by Jim Presley. All members voted "Aye."

Old Business -- The Board deemed it more expedient to postpone their discussion of the proposed fee schedule and the revisions to the Site Plan Review Law until the applicants present had been heard.

New Business -- The Board reviewed two preliminary applications for subdivisions. Regarding the first application, referred to as the Go subdivision, Attorney Robert Plaskov furnished the Board with copies of tax receipts and a survey map of the proposed subdivision, which the Board examined. Bob Magee asked when this application had been submitted. Attorney Plaskov responded that he had personally delivered the application to the Town Clerk on April 27, 1992. The Board determined that three more copies of the survey map were needed to complete the application. Upon completion of the application, the Board could schedule a Public Hearing on this matter.

The Board then turned to the second application, referred to as the Aeschbacher subdivision. Upon examination of the survey map, it was determined that the northern parcel would need to be

expanded to 10,000 square feet if the necessity of a variance for building purposes were to be avoided in the future. All other documents regarding this application were deemed to be in order.

The Board then heard from Alta Bedner of 7494 State Route 54. Mrs. Bedner requested a preliminary opinion from the Board as to the feasibility of subdividing her property, prior to incurring the expense of an official survey. Chairman Venema inquired as to the current well and septic system on the property. Robert Magee requested a rough sketch of the area to be subdivided. Mrs. Bedner provided a drawing which depicted only the property which she hoped to retain, not the entire parcel. Robert Magee asked Attorney Flynn if Mrs. Bedner could submit an application which would include all necessary documentation, except an official survey, and then receive an informal opinion. Attorney Flynn replied affirmatively. Jim Presley suggested that Mrs. Bedner might also explore the option of selling her entire property with a lifetime lease provision which would allow her to continue to live on the property. Mrs. Bedner said that she had not fully explored this possibility, and would do so, but expressed her desire to retain ownership of at least some of her land. Richard Falvey spoke to the immaculate condition of Mrs. Bedner's buildings and property, and the need for a compassionate solution to this problem. The Board advised Mrs. Bedner that she could receive an informal opinion on this matter upon furnishing the Board with a complete sketch of her property, including distances, building locations, septic system, etc. The Board provided Mrs. Bedner with copies of the tax map and a rough sketch of her parcel to assist her with that task.

The Board then reviewed the application of Douglas Bailey to settle the estate of Isabelle Bailey. Upon examination of the map included in the application (a reduced version of the official survey map), it was noted by Attorney Flynn that the map showed the center line of the bordering roadway (Sanford Road), but not the edge of the travelled portion of the road. Robert Magee agreed that this detail should be addressed, in order to avoid potential conflicts in the future. Since the application lacked the three copies of the official survey map (full-size version) needed for completion, the Board agreed that those maps should clearly show the edge of the travelled portion of the road. The point was also brought out that the proposed action constitutes a Major Subdivision, since the end result would be five separate lots. If the number were to be reduced from five to four, however, the action would constitute a Minor Subdivision.

Regarding Application #92-023, William Lent: The Board reviewed the Application, found it to be in order and in compliance with the Town Code. A motion was made by Jim Presley that the Board waive any further action. The motion was seconded by Robert Magee. All members voted "Aye."

The Board discussed the schedule of fees and proposed revisions to the Site Plan Review Law as presented by Bob Magee. After further revisions and discussion, it was agreed that the fee schedule and a working copy of the revisions to the Site Plan Review Law would be presented to the Town of Urbana board at their next meeting.

Regarding the application for a sign permit by Keuka Maid, Inc.: Robert Magee moved to send a letter to Mr. Ed Briggs offering to assist him with his application for a Special Use Permit, and encouraging him to complete the Site Plan Review Process with the Planning Board. Randy Robinson seconded this motion. All members voted "Aye." Chairman Venema instructed the secretary to draft such a letter and advised that a copy of said letter should be sent to Mr. Briggs's attorney, Mr. Ernest Feltz.

The next Regular meeting was scheduled for May 20th, 1992. Mardo Doherty moved to adjourn the meeting at 10:19 P.M.E.D.T., seconded by Robert Magee. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING - APRIL 22, 1992

PRESENT: William Venema, Chairman
Randy Robinson, Member
Robert Magee, Member
Mardo Doherty, Member
Jim Presley, Member
Brian C. Flynn, Attorney
Dave Oliver, Code Enforcement Officer

The meeting was called to order by Chairman William Venema at 7:20 P.M.E.D.T. The Board resumed the discussion of the Curtiss Museum Application and reviewed the additional submissions. Ed Vogt submitted a letter of approval from the County Planning Board, two copies of the Site Plan indicating a total of 72 parking places, and an additional copy of the final survey. It was the findings of the Planning Board that the Application was complete, that all requested submissions had been received, and that the intended project met the specific requested provisions of Section 88-11, paragraph C; and Section 88-14, paragraph A, numbers 1,2,3,4,6,7,8,9,10,11,12, and 13 of the Site Plan Review Law. Mardo Doherty made a motion that the Board accept and approve this Application, subject to the condition that the Museum submit a Watershed Inspector's Certificate of Approval, when it becomes available. Motion was seconded by Bob Magee and a roll call vote was held:

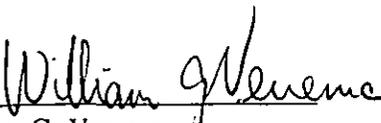
William Venema	Aye
Randy Robinson	Aye
Robert Magee	Aye
Mardo Doherty	Aye
Jim Presley	Aye

Chairman Venema will notify the Museum, by Certified Mail, of this decision.

Motion was made by Bob Magee to adjourn the meeting at 8:32 P.M.E.D.T., seconded by Randy Robinson, all voted "aye".

Subsequent to this meeting, the Board held a work session to review the Site Plan Review Law and the schedule of fees.

APPROVED


Wm. G. Venema

TOWN OF URBANA PLANNING MEETING - APRIL 15, 1992

PRESENT: William Venema, Chairman
Randy Robinson, Member
Robert Magee, Member
Mardo Doherty, Member
Brian C. Flynn, Attorney
Dave Oliver, Code Enforcement Officer

PUBLIC PRESENT: Marsha Coon Carol Jenkins
Peter Baker Mike Zyla
Tony Zyla Theresa Stopka
Eldred Stopka Ed Vogt

The meeting was called to order by Chairman William Venema at 7:00 P.M.E.D.T. The Public Hearing for the Minor Subdivision Application of Mike Stopka was opened by Chairman William Venema at 7:05 P.M.E.D.T. Mike Stopka asked if all of the required submissions were in order. Chairman Venema indicated that he felt that they were. Tony Zyla stated "I'm planning on farming my land and I just want them to know it. I'm putting in pigs and cows. I got the pigs coming. I'm putting up six foot high tensile fence. It's agricultural land and I'm farming it. I just want them to know because I don't want no complaints about the smell later on." Tony Zyla inquired of Attorney Flynn as to any restrictions regarding this type of activity. Attorney Flynn informed him that "as long as he conducted his operation in a responsible manner, in keeping with any applicable laws, there should be no problem." There was no further comment, nor any objections from the public present. Chairman Venema closed the Public Hearing at 7:15 P.M.E.D.T.

The Public Hearing for the Site Plan Review of the Curtiss Museum was opened by Chairman William Venema at 7:16 P.M.E.D.T. Attorney Peter Baker represented the Museum and submitted a letter from the Watershed Inspector indicating that the plans for the septic system had been approved. Also submitted was Part One of the SEQR, as well as a copy of the final survey, dated 3/14/92. Attorney Baker indicated that the Museum would submit an additional copy of the survey to Brian Flynn, a new copy of the Site Plan indicating a total of 72 parking places, and a copy of the Special Use Permit once it is available from the ZBA. Attorney Flynn stated that "We are obligated, in a project of this nature, to give the County Planning Board the opportunity to review your submissions. Peter Baker stated that "the County Planning Board had responded to the ZBA Change of Use, in the form of a letter of approval." Attorney Flynn indicated that "the approval was for the Change of Use, not the submission at hand." Ed Vogt suggested that he would hand deliver the Museums submission and Application to the County Planning Board and return their response.

In the discussion and review of the Museum's Application and submissions, the Planning Board felt that a decision could not be made until we had received the response from the County Planning Board, a new copy of the Site Plan indicating a total of 72 parking places, and an additional copy of the final survey. Bob Magee made a motion that the Board recess these proceedings until April 22, 1992, in order to provide the Museum additional time to complete their submissions. Motion was seconded by Mardo Doherty. A roll call vote was taken:

William Venema	Aye
Randy Robinson	Aye
Robert Magee	Aye
Mardo Doherty	Aye

In other business the Board reviewed Part 1 of the EAF form as submitted by Mike Zyla, and after this review, completed #5-#18. Bob Magee made a motion that the Board declare this to be a Negative Declaration and request that Attorney Flynn prepare the Negative Declaration and file it, seconded by Randy Robinson. A roll call vote was held:

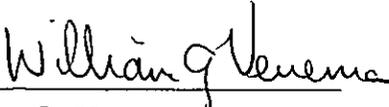
Bob Magee	Aye
Randy Robinson	Aye
William Venema	Aye
Mardo Doherty	Aye

The Board completed a review of the Zyla Application and submissions. Randy Robinson made a motion that it was the findings of the Board that the Zyla Application was in order and that the Zyla Application for a Minor Subdivision be approved, and that the Chairman be instructed to sign the Survey. The motion was seconded by Mardo Doherty. All members voted "Aye".

Dave Oliver indicated that he has not received any response from Vince Long regarding his application. Bill Venema indicated that that he would request, in writing, that Dave Oliver issue citations to Mr. Long.

Motion was made by Bob Magee to adjourn the meeting at 11.00 P.M.E.D.T., seconded by Randy Robinson, all voted "aye".

APPROVED


Wm. G. Venema

TOWN OF URBANA PLANNING MEETING - APRIL 1, 1992

PRESENT: William Venema, Chairman
Randy Robinson, Member
Robert Magee, Member
Mardo Doherty, Member
Brian C. Flynn, Attorney
Dave Oliver, Code Enforcement Officer

PUBLIC PRESENT:	Charles Mashewski	Carl Simonson
	Farnum Shaw	Terry Parmalee
	John Milliron	Bob Mori
	Dorothy Beers	Jean Kolo
	Jim Presley	William Garrison

The meeting was called to order by Chairman William Venema at 7:00 P.M.E.D.T.

The Public Hearing for the Major Subdivision Application of SMS Partners was opened by Chairman William Venema at 7:05 P.M.E.D.T. Representing SMS Partners was Farnum Shaw, Charles Mashewski, and Carl Simonson. Charles Mashewski presented an oral explanation of the project, and provided a map for public viewing. Mr. Mashewski indicated that they have include deed restrictions prohibiting any further subdivision of lots smaller than five acres, as well as restrictions prohibiting mobile homes. Bob Mori inquired as to the minimum lot size allowable by Town Code, and wondered if the Town would allow multiple dwelling units. Bill Venema responded that the Code permits a two acre minimum, and that multiple dwelling is not permitted in Agricultural Districts. Randy Robinson inquired as to the plans for lots #2 and #9. Mr. Mashewski indicated that these were to remain with the Corporation for liability purposes, and that the old sewer treatment facilities would be demolished. Bob Magee inquired as to the access to lot #9. Mr. Mashewski indicated that a right of way was being given utilizing an existing roadway through lot #7, and documentation of this would be supplied to the Planning Board. Mardo Doherty expressed a concern about the condition of the barn on Lot # 2, and felt that the lot should not be separated from the adjoining parcel. Mr. Mashewski responded that the condition of the barn is the same, regardless of how the lots are divided. There was no further comment, nor any objections from the public present. Chairman Venema closed the Public Hearing at 7:27 P.M.E.D.T.

Chairman Venema opened the Regular Meeting at 7:30 P.M.E.D.T. A motion was made by Bob Magee to approve the minutes of the March 18, 1992 meeting and was seconded by Randy Robinson. All members voted 'Aye'.

In other business the Board reviewed Part 1 of the EAF form as submitted by SMS Partners, dated 2/14/92, and after this review, completed #5-#18. Bob Magee made a motion that the Board declare this to be a Negative Declaration and request that Attorney Flynn prepare the Negative Declaration and file it, seconded by Randy Robinson. A roll call vote was held:

Bob Magee	Aye
Randy Robinson	Aye
William Venema	Aye
Mardo Doherty	Aye

The Board completed a review of the SMS Application and submissions. Randy Robinson made a motion that it was the findings of the Board that the SMS application was in order and that the SMS Application for a Major Subdivision be approved, subject to the following conditions:

- Survey Maps of lots #2, #6, and #9
- Documentation of all deed restrictions
- Documentation of the Right of Way for lot #6

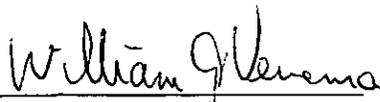
The motion was seconded by Bob Magee. All members voted "Aye".

Regarding Application #92-017, Obrochta: The Board reviewed the Application, found it to be in order and in compliance with the Town Code. Bob Magee made a motion that the Board waive any further action. Seconded by Mardo Doherty. All members voted "Aye".

Regarding Application #92-014, Woolever: The Board reviewed the Application, found it to be in order and in compliance with the Town Code. Bob Magee made a motion that the Board waive any further action. Seconded by Mardo Doherty. All members voted "Aye".

Motion was made by Randy Robinson to adjourn the meeting at 11.00 P.M.E.D.T., seconded by Bob Magee, all voted "aye".

APPROVED


Wm. G. Venema

X

TOWN OF URBANA PLANNING MEETING - MARCH 18, 1992

PRESENT: William Venema, Chairman
Randy Robinson, Member
Robert Magee, Member
Brian C. Flynn, Attorney

ABSENT: Margaret Doherty, Member

PUBLIC PRESENT: Richard Falvey, Sr. Attorney Randall C. Young
 Mike Bailey Chuck Bailey
 David Pearce Robert Pearce
 William Coppard Mike Zyla
 Theresa Stopka Eldred Stopka
 Doug Paddock Ed Vogt
 Marsha Coon Attorney Peter Baker

The meeting was called to order by Chairman William Venema at 7:00 P.M.E.D.T.

The Public Hearing for the Minor Subdivision Application of Richard Falvey, Sr. was opened by Chairman William Venema at 7:05 P.M.E.D.T. Attorney Randall C. Young, representing the Bailey's wanted to note for the record that the Subdivision was simply a boundary line adjustment. Mr. Falvey questioned Mr. Young as to the lack of proper road frontage on the new lot. Mr. Young indicated that the Property being subdivided from Falvey parcel would be annexed to the property of Chuck Bailey, therefore he did not believe that there was an insufficient amount of frontage. There was no further comment, nor any objections from the public present. Chairman Venema closed the Public Hearing at 7:12P.M.E.D.T.

The Public Hearing for the Minor Subdivision Application of Pearce, Pearce, and Coppard was opened by Chairman William Venema at 7:12 P.M.E.D.T. Planning Board member Bob Magee wanted to clarify for the record that the Public Notice that was published in the Leader was incorrect. The notice referred to the Subdivision as a Minor Subdivision, when it was, in fact, a Major Subdivision. There was no further comment, nor any objections from the public present. Chairman Venema closed the Public Hearing at 7:16P.M.E.D.T.

Chairman Venema opened the Regular Meeting at 7:16P.M.E.D.T. A motion was made by Bob Magee to approve the minutes of the January 4th, 1992 meeting and was seconded by Randy Robinson. All members voted 'Aye'. A motion was made by Bob Magee to amend the minutes of the March 4, 1992 meeting to indicate that the dates on surveys presented by the Curtiss Museum reflect the respective dates of "1971 and 1981". The motion was seconded by Randy

Robinson. All members voted "Aye".

The following Concept Review/Site Plan Review applications considered:

#92-007 - Curtiss Museum - Ed Vogt, Marsha Coon, and Attorney Baker were present. Mr. Vogt read a list of Permit applications that they had filed to date and stated that the NYSDEC would issue a letter indicating that no State permits were required. He also stated that the septic system would be upgraded and a letter of certification of the plans would be supplied by Bill Mahrt, Watershed Inspector. Mr. Vogt wanted to know if the Planning Board would need any additional information. Bill Venema informed Mr. Vogt that the Code required 72 parking spaces for a building of the size indicated by their application. Marsha Coon indicated that their revised plan will indicate 72 spaces. Mr. Venema inquired as to the anticipated number of visitors that are anticipated on an average day. Mr. Vogt indicated that 300 would be a very good day. Peter Baker requested that he would like to be notified if any additional documents would be needed. Attorney Baker also stressed the tight time constraints that the Museum is operating under if they are to make their July deadline for reopening, and requested that the Planning Board waive any additional review processes. Peter also indicated that the Museum was scheduled for a Change of Use Hearing by the ZBA on April 11, 1992.

#92-018 Zyla - Mr. Zyla was present, as was his daughter, Theresa and son-in-law, Eldred. Mr. Zyla indicated that his application was complete, except for the survey. He indicated that the survey had been done and that he would have his attorney contact Brian Flynn to make arrangements to present the survey to the Planning Board, thus making his application complete. Mr. Zyla was notified by Chairman Venema that a Public Hearing regarding his application would be held on April 15, 1992.

92-012 Paddock - Doug Paddock was present and inquired as to the status of his application. He stated that he is unclear as to whether or not his application requires a Variance. He was informed by Dave Oliver that a Variance was required and that he had been notified by mail. Mr. Paddock indicated that he received no such notification. He also indicated that he was preparing a new survey and that he would be submitting an amended Site Plan Review Application.

#92-008 - Faucett - Dave Oliver indicated that he had contacted Mr. Faucett regarding the signage and indicated that he would need a Change of Use to utilize the property as a storage facility

#92-009 - Giancursio - Dave Oliver indicated that he had called Mr. Giancursio on March 14, 1992. Mr. Giancursio stated that he did not yet own the property, but wanted to find out if his project would be permissible before he purchased the property. Dave requested that he supply information stating that the NYSDOT would allow him to a retaining wall on State property. Mr.

Giancursio responded that the State would not give him an answer until he became the property owner. Brain Flynn suggested that Dave notify Mr. Giancursio that he may obtain a statement from the owner authorizing him as the owner's agent. Dave stated that he would contact Mr. Giancursio and make this suggestion.

#92-011 - Long - Dave Oliver has not received a response from Mr. Long to his March 4th, 1992 letter.

#92-015 - Culver - It was the findings of the Planning Board that this application was complete, and that a Concept Review Conference would be held on April 1, 1992. Dave Oliver would notify the applicant by phone.

#92-016 - Keuka Maid - Dave had informed the applicant that the signage that was requested would require a Variance.

#92-017 - Obracht - It was the findings of the Planning Board that this application was complete, and that a Concept Review Conference would be held on April 1, 1992. Bill Venema would notify the applicant by mail

#92-019 - Hooper - Dave Oliver indicated that he had not received a response to his previous letter and would attempt to contact the applicant.

In other business the Board reviewed Part 1 of the EAF form as submitted by Richard Falvey, Sr., dated 12/3/92, and after this review, completed #5-#11. Bob Magee made a motion that the Board declare this to be a Negative Declaration and request that Attorney Flynn prepare the Negative Declaration and file it, seconded by Randy Robinson. A roll call vote was held:

Bob Magee	Aye
Randy Robinson	Aye
William Venema	Aye

Randy made a motion to approve the Minor Subdivision of Richard Falvey, Sr., seconded by Bill Venema. All members voted "Aye". Randy Robinson Made a motion that Chairman Venema sign the survey, and it was seconded by Bob Magee. All members voted "Aye".

The Board reviewed Part 1 of the EAF form as submitted by Pearce. Pearce, and Coppard, dated 1/22/92, and after this review, completed #5-#11. Bob Magee made a motion that the Board declare this to be a Negative Declaration and request that Attorney Flynn prepare the Negative Declaration and file it, seconded by Randy Robinson. A roll call vote was held:

Bob Magee	Aye
Randy Robinson	Aye
William Venema	Aye

Randy made a motion to approve the Minor Subdivision of Pearce, Pearce, and Coppard, seconded by Bill Venema. All members voted "Aye". Randy Robinson Made a motion that Chairman Venema sign the survey, and it was seconded by Bob Magee. All members voted "Aye".

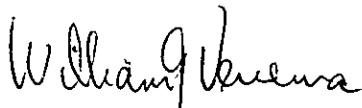
A lengthy discussion of the Curtiss Museum proposal was held. Randy Robinson indicated that he felt, given the scope and nature of this project, a Site Plan Review should be held. Randy said that this would give the public the ability to discuss the project at a Public Hearing. Attorney Flynn stated that he felt that this would be "very proper in this community". Randy Robinson made a motion to hold a Site Plan Review on the Curtiss Museum Project. Bob Magee seconded it. A roll call vote was held:

Bob Magee	Aye
Randy Robinson	Aye
William Venema	Aye

The Board discussed and reviewed the information supplied to date by the Curtiss Museum committee. The Board concluded that the Museum had supplied, or had agreed to supply all requested information that had been requested. Randy Robinson suggested that we send a letter to the Museum committee, indicating that a Site Plan Review had been held, and that a Public Hearing would be held as soon as possible. It was determined by Chairman Venema that the earliest date would be April 15. He would notify the Museum Committee of our decision, on arrange for the Public Hearing notice to be published.

Motion was made by Randy Robinson to adjourn the meeting at 12:15 P.M.E.D.T., seconded by Bill Venema, all voted "Aye".

APPROVED



Wm. G. Venema

X

TOWN OF URBANA PLANNING MEETING - MARCH 4, 1992

PRESENT: William Venema, Chairman
Randy Robinson, Member
Robert Magee, Member
Brian C. Flynn, Attorney

ABSENT: Margaret Doherty, Member

PUBLIC PRESENT: Marsha Coon Chuck Mashewski
Peter Baker Farnum Shaw
Ed Vogt Karl Simonson

The meeting was called to order by Chairman William Venema at 7:00 P.M.E.D.T.

A Concept Review Conference was held regarding the application for a Site Plan Review as submitted by the Curtiss Museum. Representing the Museum were Ed Vogt, Architect Marsha Coon, and Attorney Peter Baker. Marsh Coon presented two surveys, dated 1971 and 1981 respectively, tax maps showing the adjoining properties, a conceptual drawing of the site, and provided an oral presentation outlining the intent of the Museum to move their operation to the Gold Seal warehouse on Route 54. Randy Robinson inquired as to the amount of fill, if any, that would be required to complete the proposed parking lot, and wanted to know if any fill would be placed in Designated Wetlands. Ed Vogt responded that he had a map indicating that the elevation was a 727.5 feet and was certified by an engineer. He felt that this elevation placed the site outside of the 500 year floodplain. Mr. Vogt inquired as to the procedure and permits required. He indicated that the Museum was functioning within tight time constraints, and indicated that he hoped that the Planning Board would consider waiving the Site Plan Review. The Museum representatives were informed that they first need a Change of Use Permit. It was also suggested that if it was their desire to proceed in a timely manner that they meet with Dave Oliver for assistance in filling out the necessary permit applications. In addition they were informed that their application was incomplete and lacked the Items #1 and #3 as required by the Concept Review/Site Plan Review Application. Peter Baker and Marsha Coon indicated that they would submit both items.

The following Concept Review/Site Plan Review applications considered:

#92-09 Giancursio - The Application was considered incomplete, lacking building plans, plans regarding a retaining wall, and elevation information Dave Oliver has been in contact with the applicant, by mail, requesting this information.

#92-010 Wirsing _ Dave Oliver was in receipt of a revised application indicating that the

proposed project had been amended to meet the required setback from the lot line. Review of the application indicated that the Board felt that the project was complete and in keeping with the Town Code. Robert Magee made a motion that the Board accept this application and waive any additional review, seconded by Randy Robinson. The Motion was carried and approved by all.

92-011.. Long - Randy Robinson questioned the applicants estimation of approximately \$4.00 per square foot cost of the intended project. Robert Magee indicated that the Board should be in receipt of evidence that the existing septic system will handle the additional two bedrooms. Dave Oliver searched the Town files to see if such information was on the original building permit for the existing dwelling, but no Permit was located. Bill Venema will contact the applicant, by mail and request that the applicant supply verification of his cost estimates, information regarding the Building Permit for the original structure, and a satisfactory report from the Watershed Inspector regarding the septic system. Until such information is obtained the Board will consider this application incomplete.

92-012 Paddock - The Site Plan Review application for Doug Paddock included a building permit application for a deck on his cottage. Dave Oliver indicated that the setbacks, on the front and side, as indicated in the application were not in compliance with the Town Code. Dave indicated to the Planning that he has notified the applicant that the project, as presented, would require an Variance, and that the application would be considered incomplete until it was accompanied by a Variance.

#92-013 - Sayer - The applicant had been issued a Variance to erect a porch several years ago. Construction had not begun prior to the expiration date of the Variance. Dave Oliver indicated that he had notified the applicant that a new variance would be required before the application would be considered complete.

#92-014 Woolever - Dave Oliver informed the Planning Board that the project met the Code requirements, but the application was incomplete in that it lacked documentation of adjoining properties, as well as building plans. Dave indicated that he would notify the applicant.

In other business, Dave Oliver requested that the response letter for a Site Plan Review be modified to include the Term " Authorized Signature". Bob Magee indicated that he would attend to it.

Randy Robinson expressed a concern regarding the erosion at the proposed Town Barn Site. Randy felt that the Planning Board should formally question the Town Board regarding their plans to reseed this area to prevent a future erosion problem.

In a lengthy discussion, the Planning Board evaluated the Site Plan Review process, as to its effectiveness to date. The Board concluded that in may be necessary to modify either the application procedure or the law to make the process more expedient for the applicant. It was

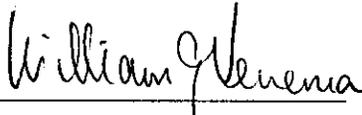
decided that the Board needed to process additional applications before an accurate evaluation could be made.

The Board discussed the permit fee schedule. Randy Robinson submitted information that he had gathered from towns that used fee schedules based upon the square footage of a project, as opposed to a fee based on project cost. It was decided that the Board needed to examine more Site Plan Review applications before a recommendation could be made.

Discussion was held regarding the open position for a Planning Board member. To date, the Planning Board is aware of four persons that have expressed an interest in serving on the Planning Board, Jeff Bronson, Jim Presley, Ken Anderson, and Floyd Kisiah. It was decided that the Planning Board should indicate to the Town Board that this position should be filled as soon as possible. The Planning Board also felt that the Town Board should review the qualifications of those seeking the position and appoint the person most qualified for the position. It was decided that Bill Venema would forward a letter indicating the opinion of the Planning Board.

Motion was made by Randy Robinson to adjourn the meeting at 11.15 P.M.E.D.T., seconded by Bob Magee, all voted "aye".

APPROVED



Wm. G. Venema

TOWN OF URBANA PLANNING BOARD MEETING
JANUARY 8, 1992

PRESENT: William Venema, Chairman
Randy Robinson, Member
Robert Magee, Member
Margaret Doherty, Member

ABSENT: Mryna Marshall

OTHERS PRESENT: William Garrison
Jerry Bills
Richard Falvey
Dorothy Beers
Roland Bates
Bud Northup
Wendall Draper

The Meeting was called to Order by Chairman Venema at 7:17 P.M.E.S.T.

A Motion was made by Robert Magee to accept the minutes of the October 24,1991 meeting and it was seconded by Randy Robinson. All Voted "AYE".

Under Old Business the Bent Subdivision Application was discussed. The Bents have revised their survey and have made it into a Minor Subdivision with only 4 lots. After a lengthy discussion the Board approved the Minor Subdivision with the same restrictions as the ones on the October 30, 1991 letter which was submitted to Attorney Leon Sawyko, with the exception of the New York State Health Department-Public Health Law Requirements.

Robert Magee made the Motion to accept the revised Bent application for a minor subdivision and Margaret Doherty seconded. Roll Call Vote was taken:

- WILLIAM VENEMA - Aye
- RANDY ROBINSON - Aye
- ROBERT MAGEE - Aye
- MARGARET DOHERTY - Aye

This vote does not imply any approval of any building or structure or placement of any building or structure on any of the said lots.

Under New Business the Board made a formal request to the Town Supervisor, William Garrison, that they needed a Secretary as does the Board of Appeals. He stated that he will do what he can to get them one.

Robert Magee made motion to adjourn the regular meeting at 8:00 P.M.E.S.T. and it was seconded by Randy Robinson. All Voted "AYE".

At 8:01 P.M.E.S.T. there was an open forum for questions from the public attending the meeting.

Mr. Roland Bates asked why the Town Board doesn't need to make application for Building, Excavation and other permits as the general public does. He also questioned the Trailer Law regarding flat verse pitched or curved roofs on trailers.

It was pointed out to him that a position was taken but an application for a Variance is the outlet for change.

Mr. Jerry Bills and Mr. Leonard O'Dell also joined into the dicussion. Mr. Richard Falvey told the Board that they were doing a good job but more enforcement is needed.

Town Supervisor, William Garrison, noted the following:

1. There will be 3 well advertized public hearings for the public to attend regarding the new Town Building.
2. The agenda for the Town Board Meeting will include time for the Public to Speak.
3. Regarding the proposed Watershed District if it should be accepted, passed, the Planning Board will represent the Town of Urbana. He does not favor another level of government or new taxes.
4. His advise for our future meetings: let applicants sit down and let discussion be on public level not legal level.

Leonard O'Dell spoke of his experience on a Board and the need for legal advice. This point was emphasized by Robert Magee. The Planning Board could be held liable for its decisions.

A Motion was made by Randy Robins and seconded by Margaret Doherty to adjourn this open forum session at 9:15 P.M.E.S.T.

APPROVED:



WILLIAM VENEMA, Chairman