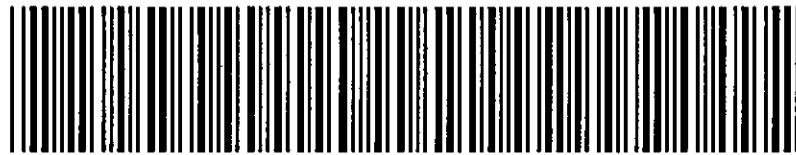
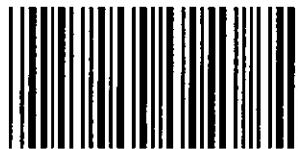


Planning Board



1993



TOWN OF URBANA PLANNING MEETING
DECEMBER 1, 1993

PRESENT: Robert Magee, Chairman
Jim Presley, Member
Randy Robinson, Member
William Venema, Member
Paul Wood, Member
Marsha Towner, Recording Secretary

PUBLIC

PRESENT: Bill and Tammy Fitzwater

Chairman Magee called the meeting to order at 7:06pm. Bob Magee motioned to approve the minutes of the November 3, 1993 meeting as submitted. Jim Presley seconded the motion. All members voted "Aye".

NEW BUSINESS

Chairman Magee began the discussion of new business by recalling with the Board the fact that Mr. LaPierre of Easy Plus Mart, had presented Mr. Magee with a sketch that showed a driveway going into the back door of his Mini Mart. At that time, Mr. Magee referred Mr. LaPierre to Dave Oliver. Dave Oliver in turn explained to Mr. LaPierre that he could find no permit requirements for a driveway.

Mr. and Mrs. Fitzwater were present at the December 1, 1993 meeting to voice their objection to Mr. LaPierre's driveway, and the erection of his fence which now borders Mr. Fitzwater's property. The Fitzwaters were concerned that perhaps the fence had been placed over their property line, and questioned whether or not there was a set back requirement for the placement of the fence. Mr. Fitzwater also stated that in his opinion, Mr. LaPierre's driveway was an attachment to his original project and therefore felt that an additional building permit should be required for the construction of it. Mr. Fitzwater also felt that because of the complaint by he and his wife, the addition of the driveway was subject to a public hearing. However; it was the general opinion of the Board that the Fitzwaters and Mr. LaPierre work the situation out between themselves. Mr. LaPierre had been very accommodating in the past, and it was the Board's opinion that he would most likely be willing to accommodate the Fitzwaters. Mr. and Mrs. Fitzwater informed the Board that they would not be pleased with anything less than the removal of the driveway. They stated that they were never informed of the erecting of the fence, or the construction of the driveway. They were not at home when this took place, and they feel their rights as neighboring property owner's were violated because they were not notified before the construction took place.

Chairman Magee informed the Fitzwaters that there were no laws governing the construction of Mr. LaPierre's driveway, unless it was determined that the driveway was indeed an attachment to the original project. Mr. Magee also stated that there are no set back requirements for the fence. Mr. Magee concluded the discussion by stating that he would contact Bryan Flynn for advice, and would then pass the information on to the Zoning Board of Appeals.

In regards to the Hadley junk yard, it was requested that the Planning Board submit their opinion to the Town Board as how to handle the renewal of Hadley's permit. It was determined that the permit would be renewed with specific requirements. It will be stated that the permit is granted with the stipulation that only a pre-approved amount of cars can be on the premises at any one time. It also needs to be stipulated that he is required to actively pursue the removal of the junk cars already present on the property.

Chairman Magee asked all members of the Board to compile questions and suggestions for the Citizen Survey, and bring them to the meeting on January 5, 1994.

Randy Robinson and Chairman Magee will compile information on the Planning Seminar, and present a report to the Town Board.

OLD BUSINESS

Concerning the Town Planning Study, Chairman Magee informed the Board that he had received two itemized estimates. The Nellison estimate was more than \$15,000, and the Russell estimate was just short of \$6,000. Randy Robinson will research the procedure to acquire a \$5,000 grant that would be applied toward the cost of the study.

Chairman Magee is receiving the necessary documents concerning the Peter Morello subdivision. A letter was received with a copy of a map of the survey, and Chairman Magee read the letter to the Board. All documents are being filed as they arrive.

Under the subject of Sign Law-Final Review, a work session with the Town Board was scheduled for Wednesday, January 19, 1994.

Chairman Magee recommended that all the Town Boards and involved citizens attend the Village Meeting on December 7, 1993 for an update on the Lakefront Study.

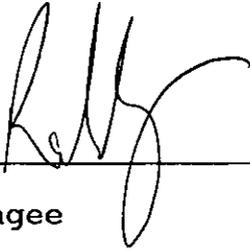
The Board was informed by Chairman Magee that the Watershed case of Vince Long was completed. Dave Oliver has inspected and

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approved the project.

As there was no further business before the board, Jim Presley made a motion to adjourn the meeting at 9:15pm. Paul Wood seconded the motion. All members voted "Aye."

Approved

A handwritten signature in cursive script, appearing to read "R. Magee", written over a horizontal line.

Robert Magee

TOWN OF URBANA PLANNING MEETING
NOVEMBER 3, 1993

PRESENT: William Venema, Member
Jim Presley, Member
Paul Wood, Member
Randy Robinson, Member
Bob Magee, Chairman
Bill Brooks, Code Enforcement Officer
Marsha Towner, Recording Secretary

NO PUBLIC WAS PRESENT

Chairman Magee called the meeting to order at 6:10pm. Jim Presley made a motion to approve the minutes of the Oct. 13, 1993 meeting as submitted. Randy Robinson seconded the motion. All members voted "Aye".

OLD BUSINESS

The Chairman informed the Board that he had sent a letter to John Taikina of Neleson Assoc., and Joel Russell of Woodlea Assoc. in regards to the Town Planning Study. He requested that all the information requested be received by the Board as of Nov. 8, 1993. In talking with Mr. Russell, Chairman Magee learned that Mr. Russell would oversee, and help organize the study. He would also help compile all the information gathered. After the Town decides on what they want added to the code, Mr. Russell writes it into code then sends a rough draft back to the town for approval. Mr. Russell will do this service for \$6,000. If the Board writes it's own rough draft, Mr. Russell's assistance would cost \$3,000. There will be four separate price quotes obtained by the Board before a decision is made regarding how, and with whom, the planning study will be conducted. The first quote will be for presenting how a Town Planning Study takes place. The second will be for the presentation plus setting up the sherets. The third quote will be for the presentation, setting up the sherets, and writing the rough draft of the code. The fourth and final quote will be for all of the above, plus updating the master to comprehensive plan.

Chairman Magee then informed the Board that a reply back needed to be received before any other action could be taken in the case of Peter Morello.

For the topic of sign law-final review, Mr. Magee informed the Board that a meeting with the Town Board would take place at the Town Board's earliest convenience. This date is to be announced.

Chairman Magee informed the Board that he had spoken with Fred Ames (DOT Permit Processor) and Finley McCallum (DOT Planner) of

the NYSDOT on November 2, 1993. An overview of their conversation, and the information given by the two above mentioned men is on file with the minutes of this meeting. It is determined that the DOT's actions are "reactive" not "proactive". The DOT does not get involved with any coordinated planning of the Board, but will answer questions that are brought to their direct attention by way of phone conversation or letter.

In regards to the Lakefront Study, Chairman Magee has requested that it get started by November 17, 1993.

The Board then discussed the ZBA actions on Snug Harbor and Daniel Sutherland. It was realized that a breakdown of communication resulted in the ZBA not being aware of the feelings of the Planning Board in regards to the variance applications that were submitted. Because of this, Chairman Magee drew up two types of form memos that could be filled out, and sent to the appropriate people. This will increase the ZBA's knowledge of the opinion of the Planning Board, and provide better communication between the two boards.

Chairman Magee stated that in the case of Long & Sutherland a memo would be sent to Terry DeBuck so that a decision can be made and the case be closed. A memo was sent to Terry asking what his opinion on the case was on November 3, 1993.

NEW BUSINESS

The new Code Enforcement Officer, Bill Brooks was introduced to the Board. He informed the Board that he and David will be working together, and that the flexibility of his work schedule may allow him to do more during the daylight hours.

The above mentioned form memos were presented to the Secretary, and Chairman Magee instructed the Board and the Secretary as to how these memos would be used.

The Board then discussed the Variance application of Robert Reimsnyder. It was determined that this case is a simple ZBA case, and that the Planning Board has a favorable opinion, but concern for fire safety due to the close proximity of the neighboring buildings. A memo was sent to Joe Littleton informing him of the Board's opinion.

Chairman Magee informed the Board that Dave Oliver is attaching an instruction page to the Master Application for a permit. It will simplify the process for the applicant.

In regards to the 1994 Suggestions and Citizen Survey, the Chairman informed the Board that at the next meeting, he would like

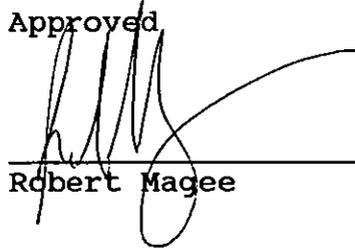
to review questions and suggestions drawn up by the Board. This will determine what questions will make up the final draft of the survey.

Chairman Magee presented the Board with copies of the letter he sent to the Town Board in regards to the Planning Board Budget. This letter is on file with the minutes of this meeting.

The next regular meeting of the Planning Board will be December 1, 1993 at 7:00pm.

As there was no further business before the Board, William Venema motioned to adjourn the meeting at 7:20pm. Jim Presley seconded the motion. All members voted "Aye".

Approved



Robert Magee

Nov. 2, 1993

I spoke with Fred Ames (DOT Permit Processor) and Finley McCallum (DOT Planner) of the NYSDOT regarding their positions and opinions on the future of the Route 54. Both indicated that any comprehensive development plans, zoning requirements, and attention to individual development projects are left to the local municipalities. Any project with an access or driveway entering a State highway is reviewed by the DOT and permits are issued, with any conditions that may be required for each specific circumstance.

The DOT does not get involved with any coordinated planning. As the traffic situation changes in a given area, due to development, they simply adjust by changing speed limits, adding traffic lights, or additional lanes. When additional lanes are required they simply seize, through eminent domain, any needed property. They would be appreciative of any type of long range planning on the part of a municipality that would address these problems before they occur. Mr. McCallum indicated that the current school of thought that required access from secondary access roads seems to be the most effective way to manage strip development and the related traffic problems.

Mr. McCallum did indicate that the leading cause of traffic flow problems is strip development. He also indicated that, looking into the foreseeable future, the maximum number of lanes required in any given area of Route 54 would be three. He said that the distances required for such a lane varies due to fluctuating right-of-way requirements. Increased setbacks would be beneficial to both the property owner, as well as to the DOT.

Mr. McCallum indicated that the DOT would be very willing to review and comment on any rough draft proposals and would offer an advisory opinion.

Mr. Ames did indicated that he believed that the 6000 car per day average traffic flow was an accurate count, but would have to check his files to confirm it.

November 1, 1993

TO: The Town Board, Town of Urbana

RE: Planning Board Budget

I would like you to consider including the following while drafting the final 1994 Town of Urbana budget:

The anticipated expenses for secretarial wages and related expenses for the Planning Board, based on the 1993 expenses, is anticipated to be approximately \$1200.00.

For this community achieve any type of forward growth, through municipal planning, Board members must be afforded the opportunity to receive some form of structured education. At the 1993 Planning Institute, we were made aware that there is a bill in progress to require a minimum of nine hours of accredited instruction for members of Planning and Appeals Boards. Even in the absence of such a requirement, the comparative cost of this education is small compared to its value to the community. I would like the Town Board to consider allocating \$1500.00 in educational expenses.

The Planning Board has been working toward the goal of rewriting the Town Code, utilizing a "Design by Democracy" process that is based on citizen participation. We have received a quote from one of the two agencies contacted that indicate that such a process would cost approximately \$6000.00. The Town Board has allocated, during the past year, \$1000.00 specifically for the purposes of beginning this process. It is not clear as to whether or not this will occur in this fiscal year. If we do not utilize the allocated funds this year I would like to suggest that they be reapplied for the same purpose in 1994. In addition I would request that the Town Board allocate the additional \$5000.00 for 1994 for the purpose of seeing this important project to its completion.

In summary, I would anticipate the 1994 Town of Urbana Planning Board expenses to be as follows:

Secretarial Expenses	\$1200.00
Educational Expenses	\$1500.00
Planning Study	\$5000.00

Respectfully Submitted,

Bob Magee
Chairman, Town of Urbana Planning Board

TOWN OF URBANA PLANNING MEETING
OCTOBER 13, 1993

PRESENT: Robert Magee, Chairman
Jim Presley, Member
Randy Robinson, Member
William Venema, Member
Paul Wood, Member
Marsha Towner, Recording Secretary

Chairman Magee called the meeting to order at 7:18pm. James Presley made a motion to approve the minutes of the September 1, 1993 meeting as submitted. Paul Wood seconded the motion. All members voted "Aye". James Presley made a motion to approve the minutes of the September 29, 1993 meeting as submitted. William Venema seconded the motion. All member voted "Aye".

OLD BUSINESS

After approval of past submitted minutes, Chairman Magee began discussion of the Peter Morello subdivision. It was determined that the information given to the Planning Board was inconclusive, and that Chairman Magee would notify Attorney McCarthy, who is representing Mr. Morello, of further documents needed before approval could be given. Attorney McCarthy will need to submit 1) a written right-of-way, included in the deed, 2) a better map and survey, and 3) tax receipts to prove that taxes are paid to date. Further discussion of this matter will follow after receipt of these requested documents.

All members agreed to meet for a work session to be held Wednesday, November 10 at 7:00pm to discuss Sign Law. There was no further discussion on this matter.

In the matter of the Lakefront Study it was decided that the Planning Board Representatives would be James Presley and Bob Magee.

It also is noted that Herman Lapierre, representative for Easy Plus Market, filed an additional submission showing property for a new driveway.

NEW BUSINESS

The Board discussed the Planning Federation Annual Institute and the recent letter to the editor submitted to the Currier Advocate, opposing town tax moneys paying for the board members attendance. Chairman Magee typed and sent a letter to Mr. and Mrs. Jesse Decker in response, hoping to inform them of the need for the training that is given at said Institute. Chairman Magee's response is on file for future reference. The board members attending this years Institute are: Randy Robinson, James Presley,

and Robert Magee.

Marsha Coon, the architect representing Drs. Ehtisham, Mirza, and Holobinko, brought to the meeting for concept review, a scale map of the property for a pending office building. She explained that this would be a one story, three Doctor office building with a total of approximately 5500 square feet. The Doctors have purchased the property and need to secure access to it without the cooperation of Keuka Family Practice. The Board discussed options available to Ms. Coon's design, and tried to look at all aspects of how to gain access. It was suggested that a meeting with a DOT official take place to discuss access from Route 54 in order to alleviate congestion, and to open up an emergency access for the hospital should the current hospital entry be blocked for any reason. It was determined that Ms. Coon would arrange to meet with the DOT and ask what they might recommend as well as what requirements there would be for access from Route 54. She will notify the board of her findings.

The future of Route 54 and the bordering lands raised discussion of zoning specific access roads to the land from off of which would come the housing developments and future building projects. The goal would be to utilize the land that sits back away from the roads edge, not just the property bordering it. Chairman Magee will try to arrange a meeting with an official from DOT who can inform the board of requirements and limitations to creating access to properties adjacent to a state route.

Chairman Magee informed the Board that portions of the land along route 54 have been donated to a Land Bank, and other portions have been donated to the state as Designated Wet Lands. This will disallow future improvement of these specific areas.

The Board discussed the Zoning Board of Appeals variance requests and determined in the case of Mr. Raymond Swartz, permit #93-03, that since there is ample access for fire trucks to service the property, they hold no opinion on this matter.

Discussion of Snug Harbor's variance request followed. Chairman Magee stated that the side yard set backs, front yard set backs, and the 7' high fence pose possible problems in parking, not enough access for fire trucks, and impede the neighbor's vision of Keuka Lake. He also mentioned that this request should have originally been handled by a Sight Plan Review. Mr. Venema stated that fire access isn't a concern because there would be room for hoses, and that the deck would provide better walking for patrons. It was determined that the Planning Board would state that they have concerns about set back, fire access, and impediment caused by the fence. The Zoning Board of Appeals will study the variance and make their determination. The planning board may exercise their option under Sight Plan Review to further examine the variance should it be granted. Chairman Magee suggested a Planning Board

member go to the ZBA meeting on October 28. This could answer questions, and information given may alleviate the need for any further review in the future.

In the matter of Sutherland Boat and Coach, Inc. Chairman Magee stated concern regarding septic, waste water, and running water accessibility. He will suggest that an inspection be done by a septic inspector. After the ZBA studies the variance and makes their determination, the Planning Board may exercise their right to a Sight Plan Review.

Chairman Magee updated the Board on the Matt Garrison case, and informed them that Mr. Garrison had constructed the deck for Mr. Sayers within the guidelines of his building permit since the permit states that the deck could be up to 33' in length. However; there was a neighbor who filed a complaint because of an adjustment made to the finished deck that required an additional, unacquired building permit. CEO, David Oliver, instructed Mr. Garrison to apply for the additional building permit. Mr. Garrison has done so, and the matter rests in the decision of Mr. Oliver. If the permit is turned down by Mr. Oliver, Mr. Garrison is prepared to apply to the ZBA for a variance.

Also discussed was a project that Matt Garrison is doing on the East side of Keuka lake. While preparing the land for the laying of footers, the owners septic lines were dredged up. It was stated that in order for the same building to be constructed at a different location, Mr. Garrison would have to reapply for a building permit that will be turned down because of set back limitations, and then apply for a variance from the ZBA.

Chairman Magee informed the Board that all pre-1976 mobile homes do not meet HUD specifications and therefore cannot be granted a Certificate of Occupancy by Mr. Appleton, the NYS Building Code Inspector. If the owners can improve the mobile home to HUD specifications, and acquire a HUD sticker to prove that the improvements have been made, then a Certificate of Occupancy can be granted, and possibly a permit to locate the mobile home within the town of Urbana. Discussion followed concerning the present zoning laws, and what changes/improvements could be made. It was decided that this subject would be studied in the near future.

The topic of school demographics and rezoning brought about suggestions from Chairman Magee that the Board study and plan for specific areas to be zoned for medium size and income families. This would allow areas to be set apart for housing developments and mobile home parks. Changes in the zoning may need to be considered and possible incentives devised to encourage the projects. It was determined that work sessions will be planned in the future for this topic to be studied in depth. The general opinion of the Board was to place this subject on the agenda for each session and begin a more thorough study in January of 1994.

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As there was no further business before the Board, Jim Presley made a motion to adjourn the meeting at 9:40pm. Bill Venema seconded the motion. All members voted "Aye."

Approved

A handwritten signature in cursive script, appearing to read "Robert Magee", written over a horizontal line.

Robert Magee

TOWN OF URBANA PLANNING MEETING
SEPTEMBER 29, 1993

PRESENT: Jim Presley, Member
Randy Robinson, Member
Paul Wood, Member
William Venema, Acting Chairman
Roxanne Gaylord, Recording Secretary

PUBLIC PRESENT: Andrew Heuneman
Paul King
Chris Quinlan, Attorney
Francis Newman
Chester Garey

Acting Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Andrew Heuneman at 7:03 P.M.E.D.T. Affidavit of Publication is on file. Mr. Heuneman was present to answer questions. Mr. Venema explained that the proposed subdivision would create two lots of approximately 30 and 70 acres from an existing lot of approximately 100 acres located on County Route 113 (Lockwood Road). The 30 acre lot would then be purchased by Mr. Paul King.

Mr. Venema asked whether any of the public present had comments or questions regarding the proposed subdivision. Francis Newman, who resides at 8501 Lockwood Road, stated that he had come to the meeting primarily to obtain more information. Attorney Quinlan, representing Mr. King, reviewed the survey map with Mr. Newman and explained the proposal to him. Mr. Newman then stated that he had no objections to the subdivision.

Mr. Venema noted that the application makes reference to unpaid taxes. Mr. Heuneman stated that the taxes have now been brought up to date. Mr. Venema noted that 3 copies of the survey, a copy of the deed and the SEQR EAF Part 1 were present. It was determined that the proposed subdivision would meet area and frontage requirements.

Mr. Venema asked for further questions or comments from the public or from the Board. As there were none, the public hearing was closed at 7:12 P.M.E.D.T. The applicant was informed that, as the official Chairman was not present, the survey could not be signed immediately. Mr. Venema stated that, at the latest, the matter would be resolved by October 13th, the Board's next Regular Meeting.

Upon reviewing the application, Randy Robinson asked whether the unpaid taxes involved only the most recent school taxes, or whether the county taxes due this past January were unpaid as well. Mr. Venema stated that there were no tax receipts in the file, however, there was a letter from Attorney John McCarthy, representing Mr. Heuneman, which addressed the tax issue. The letter indicated that funds from the sale of the property are to be used to bring Mr. Heuneman's taxes up to date, and that Attorney McCarthy assumes responsibility for these taxes, including current school taxes.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant and completed SEQR Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2

and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Randy Robinson, seconded by Paul Wood, that a Negative Declaration be prepared. Roll call vote was taken:

Jim Presley	-- Aye
Randy Robinson	-- Aye
Bill Venema	-- Aye
Paul Wood	-- Aye

It was the determination of the Planning Board that the Minor Subdivision application of Andrew Keuneman had met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Jim Presley ^{RM} Venema made a motion to approve the Keuneman Subdivision as submitted, and to instruct the Chairman to sign to survey, contingent upon submission of receipts documenting paid taxes. Randy Robinson seconded the motion. Roll call vote was taken:

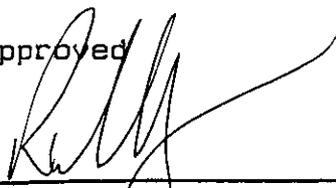
Jim Presley	-- Aye
Randy Robinson	-- Aye
Bill Venema	-- Aye
Paul Wood	-- Aye

The Board elected to postpone its review of the minutes of the September 1, 1993, meeting until October 13th.

In other business, Randy Robinson inquired as to the outcome of the ZBA's hearing on the variance application of Dennis Campbell. The secretary reported that Mr. Campbell had agreed to comply with the 50' setback requirement. Regarding the size and design of the mobile home, the secretary reported that the variance was granted, contingent upon proof of compliance with the NYS Uniform Fire Prevention and Building Code, and contingent upon the mobile home being removed or brought into compliance with zoning laws within 5 years. Upon reviewing a copy of the ZBA's findings, Mr. Robinson referred to finding #3, "No adverse opinion has been received from the Town of Urbana Planning Board..." Mr. Robinson pointed out that at the Planning Board's last meeting, it had been agreed that a negative opinion would be submitted regarding the Campbell application. The secretary stated that apparently, the ZBA had not received an opinion from the Planning Board.

As there was no further business before the Board, Jim Presley made a motion to adjourn the meeting at 7:35 P.M.E.D.T. Bill Venema seconded the motion. All members voted "Aye."

Approved



Robert Magee

TOWN OF URBANA PLANNING MEETING
SEPTEMBER 1, 1993

PRESENT: Randy Robinson, Member
William Venema, Member
Robert Magee, Chairman
Roxanne Gaylord, Recording Secretary

PUBLIC Donna French
PRESENT: Lawrence & Patricia Tate
 Thomas & Eve Seward
 James W. Taylor
 Farnham Shaw
 Charles Mashewske
 Paul Wood

Chairman Magee opened the Public Hearing for the Minor Subdivision Application of Leonard and Donna French at 7:08 P.M.E.D.T. Affidavit of Publication is on file. Mrs. French was present to answer questions. The Chairman noted that 3 copies of the surveys showing the existing parcel and the lot to be created had been submitted with the completed application. In addition, he noted that copies of the deed, paid tax receipts, a list of neighboring property owners, sketch plat and the SEQR EAF Part 1 were present. It was determined that the proposed subdivision would meet area and frontage requirements. The Chairman asked whether Mr. Tate, the buyer of the lot to be created, had applied for any other permits. Mr. Tate stated that he had already received a septic permit and had filed an application for a building permit. Chairman Magee asked for questions or comments from the public or from the Board. As there were none, the public hearing was closed at 7:14 P.M.E.D.T. The applicant and Mr. Tate requested that they be notified of the Board's decision by telephone that same evening, if possible, in order to expedite the issuance of the building permit. Chairman Magee agreed to do so and to notify CEO Oliver of the Board's decision as well.

Chairman Magee opened the Public Hearing for the Minor Subdivision Application of James W. Taylor at 7:14 P.M.E.D.T. Affidavit of Publication is on file. Mr. Taylor was present to answer questions. The proposed action involved a 15' strip of land to be sold by Mr. Taylor to his neighbor, Mr. Thomas Seward, and annexed to Mr. Seward's property for purposes of septic installation. Mr. and Mrs. Seward were also present. Randy Robinson asked whether this action would create a non-conforming lot. Bill Venema pointed out that both lots were presently conforming and that neither would be significantly affected. Chairman Magee noted that 3 copies of the survey showing the proposed annexation had been submitted with the completed application. In addition, he noted that SEQR Part 1, a copy of the purchase offer, a list of neighboring property owners, and copies paid tax receipts, were present. Chairman Magee asked if there were any further comments or questions from the Board or from the public. As there were none, the public hearing was closed at 7:18 P.M.E.D.T. Mr. Taylor and Mr. Seward were advised that they would be notified by mail of the Board's decision. It was determined that surveys of both properties should be prepared for filing, one to indicate the subtraction of land from the Taylor property, and one to indicate the annexation of land to the Seward property.

Chairman Magee opened the Public Hearing for the Minor Subdivision Application of SMS Partners at 7:22 P.M.E.D.T. Affidavit of Publication is on file. Mr. Shaw and Mr. Mashewske were present to answer questions. The proposed action involved adjusting the original sketch plat of 9 parcels approved in 1992 as the SMS Partners Major Subdivision. Mr. Mashewske explained that one of the lots, identified as parcel #7 on the sketch plat included in the original application, had proven to be too large to be saleable. He now wished to divide parcel #7, currently totaling 43 acres, into two parcels, 7A totaling 17 acres, and 7B totaling 26 acres, making a total of 10 parcels. Randy Robinson asked whether each parcel would have sufficient road frontage. Mr. Mashewske stated that parcel 7B would have more than adequate frontage along Route 54A. Parcel 7A would not have sufficient frontage, however, Mr. Mashewske explained that at the time of the sale of the adjoining parcel, SMS had retained a deeded right-of-way which would access parcel 7A from the lower Middle Road. Mr. Mashewske described the right-of-way as a vineyard road in driveable condition. In addition, a second right-of-way would be deeded which would access parcel 7A from Route 54A.

Chairman Magee referred to the terms of the original subdivision, asking whether surveys of each parcel had been provided to the Board as they were sold. Mr. Mashewske stated that he had been filing surveys of each parcel sold with the county, and would be willing to provide the Board with copies as well. He stated that parcels #1, #2, #5, #6, and #9 had already been sold and that #4 is in the process of being surveyed. The Board requested copies of each of these surveys in order to update its files.

Returning to the current matter of the division of parcel #7, Randy Robinson asked whether it would be possible to annex part of parcel #8, since it had not yet been sold or surveyed, on to parcel #7A. This would provide the road frontage needed to meet the letter of the law. Mr. Robinson stated that he was aware that a severe gully runs through that section of the property, so that the actual access would still be by means of the right-of-way. Mr. Shaw stated that SMS already had a contract on parcel 7A as it is currently proposed. Mr. Mashewske agreed that Mr. Robinson's suggestion would be a possibility in order to make the subdivision comply with the letter of the law, however, since no practical means of access would be gained due to the natural barrier, i.e., the gully, he did not see this as a viable alternative. Bill Venema stated that in his opinion, common sense dictates that the lot line follow the gully, as currently proposed. He explained that one purpose of the 250' road frontage requirement was to prevent driveways from being too closely spaced along the highway, and that in this situation, this point is not applicable. The other purpose is to insure that adequate access is provided, which would be accomplished in this case by the deeded right-of-way. Mr. Mashewske submitted to the Board a copy of the deed documenting the existing right-of-way from the Middle Road. It was described as 50' in width. He stated that a copy of the deed documenting the right-of-way leading from Route 54A would also be submitted upon its completion.

Mr. Venema asked whether surveys of parcels 7A and 7B were present. Mr. Mashewske stated that, pending approval of the proposed action by

the Board, he would order a survey of parcel 7B. He stated that 7A would be surveyed prior to sale, and added that all properties directly adjacent to parcel 7A have already been surveyed. Chairman Magee asked if there were any further comments or questions from the Board or from the public. As there were none, the public hearing was closed at 7:45 P.M.E.D.T.

Chairman Magee opened the Regular Meeting at 7:45 P.M.E.D.T. Bill Venema made a motion to approve the minutes of the August 11, 1993, meeting as submitted. Randy Robinson seconded the motion. All members voted "Aye."

French Subdivision -- The Board reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant and completed SEQR Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Randy Robinson, seconded by Bill Venema, that a Negative Declaration be prepared. Roll call vote was taken:

Bill Venema	-- Aye
Randy Robinson	-- Aye
Chairman Magee	-- Aye

It was the determination of the Planning Board that the Minor Subdivision application of Leonard and Donna French had met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Bill Venema made a motion to approve the French Minor Subdivision as submitted, and to instruct the Chairman to sign to survey. Randy Robinson seconded the motion. Roll call vote was taken:

Bill Venema	-- Aye
Randy Robinson	-- Aye
Chairman Magee	-- Aye

The Chairman stated that he would notify CEO Oliver of the Board's decision and ask that he contact that buyers as soon as possible regarding their building permit.

Taylor Subdivision -- Upon examination of the survey maps of both the Seward and the Taylor properties, Randy Robinson noted that the current area of the Seward parcel does not meet the 10,000 square feet requirement and that the annexation of the 15' strip from the Taylor property would not be enough to bring it into compliance. The lot, however, was determined to be a pre-existing, non-conforming lot. Bill Venema noted that the annexation would be a step in the right direction, increasing the size of the non-conforming Seward lot, while leaving the Taylor property enough area to remain in compliance.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant, and completed Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3

if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Randy Robinson, seconded by Bill Venema, that a Negative Declaration be prepared. Roll call vote was taken:

Bill Venema	-- Aye
Randy Robinson	-- Aye
Chairman Magee	-- Aye

It was the determination of the Planning Board that the Minor Subdivision application of James W. Taylor had met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Randy Robinson made a motion to approve the Taylor Minor Subdivision as submitted, and to instruct the Chairman to sign to both the Taylor and the Seward surveys. Bill Venema seconded the motion. Roll call vote was taken:

Bill Venema	-- Aye
Randy Robinson	-- Aye
Chairman Magee	-- Aye

SMS Partners Subdivision -- Randy Robinson asked that the Code be consulted with reference to road frontage requirements. He stated that accepting a deeded right-of-way as access, rather than requiring road frontage, especially in a situation where frontage is available, could lead to the creation of many more land-locked lots. He expressed his concern that once several lots were created along one right-of-way, the Town could be forced to accept that right-of-way as a Town road, and assume maintenance responsibilities. Bill Venema stated that as he understood the law, the Town could be asked to take over responsibility for such a road, but could not be forced to do so. Chairman Magee pointed out that according to Section 105-15, area and bulk regulations for agricultural districts specify a minimum lot area of 2 acres and a minimum lot width of 250'. However, he noted that this section of the Code does not specify that the 250 feet front along a road. After further discussion, the Board decided to request a legal opinion from Attorney Flynn on these points.

Randy Robinson asked whether the current proceedings qualify as a public hearing, since the final surveys of the proposed lots 7A and 7B were not present. Chairman Magee stated that to his recollection, at the time of the original hearing on the SMS subdivision, (April, 1992), the preliminary plat had been approved as a concept, with the understanding that as each lot was sold, the final surveys would be submitted. He pointed out that no changes have been made to the preliminary plat, with the exception of the change currently proposed, however, he also noted that the applicants had not strictly complied with the terms outlined. In addition, the Chairman expressed his concern that surveys had, according to Mr. Mashewske, been filed with the county without the knowledge or approval of the Town Planning Board, a matter which he agreed to discuss with Attorney Flynn.

Randy Robinson suggested that the Board review the terms of the original subdivision. The secretary located the minutes from the April 1, 1992, hearing, which document that the application had been granted conditional approval, subject to, among other criteria, the submission of surveys of parcels #2, #6, and #9. It was noted that the only survey which had been submitted to date was for parcel #2, that lots #1 and #5 have since been sold, and that #4 is in the process of being sold. Bill Venema recommended that approval of the current proposal be made contingent upon the submission of all surveys necessary to bring the file up to date. Randy Robinson asked whether the other Board members were prepared to act on this application at this time. He stated that he did not feel comfortable with the situation as certain questions, e.g., road frontage requirements, were not clear to him. Chairman Magee stated that, had proper procedures been followed, these questions would have been brought out in a concept review and the answers would have been researched prior to the public hearing. However, through no fault of the applicants, the application had been prematurely scheduled for a public hearing. The Chairman also stated that he felt that the original agreement with SMS should be upheld. He suggested that an additional condition might be added, to the effect that any further deviation from the original sketch plat shall be subject to concept review. Mr. Robinson indicated his willingness to proceed with the current application, provided that the points of law which had arisen during the discussion of the SMS application be resolved prior to action on any future applications involving similar circumstances.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant, and completed Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Bill Venema, seconded by Chairman Magee, that a Negative Declaration be prepared. Roll call vote was taken:

Bill Venema	-- Aye
Randy Robinson	-- Aye
Chairman Magee	-- Aye

It was the determination of the Planning Board that the application of SMS Partners had met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Bill Venema made a motion to approve the revision to the SMS Partners Major Subdivision, contingent upon submission of surveys of parcels #1, #4, #5, #6, #9, #7A and #7B as indicated on the sketch plat. Chairman Magee seconded the motion. Roll call vote was taken:

Bill Venema	-- Aye
Randy Robinson	-- Aye
Chairman Magee	-- Aye

Chairman Magee agreed to follow up on this matter to insure that all the proper surveys are filed.

In other business, Randy Robinson asked that the Chairman follow up on the application of Herman LaPierre to make sure that copies of all required permits were being filed. Chairman Magee agreed to do this. He also reported that Mr. LaPierre intends to purchase a small lot which adjoins the back of his property and fronts County Route 88. Mr. LaPierre wishes to use this lot as a driveway. After checking with the DOT and the county, Mr. LaPierre had inquired as to the proper procedures with regard to Town requirements. The Board felt that there should be some avenue for public input on this proposal, but as it did not involve subdivision, excavation, or building per se, it was unclear as to what type of permit or authorization would be required. Chairman Magee agreed to discuss this matter with Attorney Flynn.

The Board then conducted its preliminary review of the subdivision application of Peter Morello. Upon review, it was noted that the lot did not have the necessary road frontage, and as a copy of the deed was not present, it could not be determined whether a right-of-way existed. In addition, copies of paid tax receipts had not been submitted. Chairman Magee agreed to contact Mr. Morello's attorney, John McCarthy, regarding these omissions.

Advisory Opinions to the ZBA --

The Board reviewed the variance application of Dennis Campbell for the purpose of placing a non-conforming mobile home. Randy Robinson pointed out that financial reasons do not constitute a hardship under the law, and that the applicant clearly intends to use the structure on a permanent, not a temporary, basis. Chairman Magee added that the purpose of the regulations governing mobile homes was to prevent the continuing use of such non-conforming structures. In addition, he pointed out that the applicants could sell the property, further perpetuating the non-conforming situation. Bill Venema concurred. After further discussion, it was agreed that the Planning Board would go on record as being opposed to the variance.

The Board reviewed the variance application of the Hammondsport Chamber of Commerce for the purpose of erecting a non-conforming sign. It was agreed that the Planning Board would go on record as being in favor of the variance.

The Board reviewed the most recent correspondence involving the case of Sharon Sayers. It was determined that no action by the Planning Board was appropriate at this time, as no variance hearing had yet been scheduled.

The Chairman reported that an application had been received from the Village of Hammondsport for the purpose of constructing restrooms and a pavilion at Champlin Beach. The application had been submitted on August 30, 1993, and as the Board had not had sufficient time to review this matter, discussion was postponed until the next meeting.

The Chairman reported that a sign permit application had been received from Sutherland Boat and Coach. The Chairman stated that he would have to check with CEO Oliver to determine whether the

applicant had filed for a special use permit. It was also noted that the sign permit application contained inaccurate information, listing the proposed location as commercially zoned, which is not the case. Further discussion of this matter was postponed until the next meeting.

Randy Robinson inquired as to the status of Vince Long's septic and building permits. Chairman Magee agreed to contact Terry DeBuck and Dave Oliver regarding these permits.

As there was no further business before the Board, Randy Robinson made a motion to adjourn the meeting at 10:06 P.M.E.D.T. Bill Venema seconded the motion. All members voted "Aye."

Approved

A handwritten signature in black ink, appearing to read 'R. Magee', with a long, sweeping underline that extends to the right.

Robert Magee

TOWN OF URBANA PLANNING MEETING
AUGUST 11, 1993

PRESENT: Robert Magee, Member
Randy Robinson, Member
William Venema, Chairman
Roxanne Gaylord, Recording Secretary

PUBLIC Jim Gifford
PRESENT: Erwin Robinson

Chairman Venema called the meeting to order at 7:18 P.M.E.D.T. Randy Robinson made a motion to approve the minutes of the August 4, 1993, meeting as submitted. Robert Magee seconded the motion. All members voted "Aye."

Chairman Venema informed the members that Mardo Doherty had resigned her position as a Planning Board member and that the Town Board was in the process of appointing a new member. The Chairman also stated that, as his term on the Planning Board would expire in December, he wished to resign his position as Chairman at this time, and serve the remaining months of his term as a regular member. He felt that by resigning his Chairmanship at this time, the Board would experience a smoother transition at the end of the year. Chairman Venema recommended that Robert Magee be appointed Chairman. The members supported this recommendation and appointed Mr. Magee as the new Planning Board Chairman.

The Board then reviewed the submissions relative to the Olde Germania project. Jim Gifford brought before the Board a traffic control plan, drawn to scale, which detailed traffic flow patterns, parking, signage, location of fire hydrants, and pedestrian access. The Board reviewed the plan and placed it on file.

The Board then reviewed the requirements outlined in the Town of Urbana Code, Sections 88-10 and 88-11. It was determined that each item had been adequately addressed. Mr. Venema noted that a report had been received from watershed inspector Terry DeBuck indicating that the septic system appears to be satisfactory for the existing fixtures and that Mr. DeBuck will be monitoring the system as the project proceeds. Mr. Gifford indicated that although Olde Germania would be open for business in mid to late October, initial operations will involve selling wine to retailers and distributors. He indicated that promotion of tourism will not begin until spring 1994. Regarding electric power, Mr. Gifford reported that Olde Germania would no longer be part of the Taylor system, and would be established with NYSEG as a separate operation.

The Board discussed applications and permits still pending. Mr. Gifford indicated that he had applied for a sign permit and had been informed that a variance would be required. He added that, due to the location of the proposed deck, a variance would also be required prior to the issuance of a building permit. Other permits from the NYS Liquor Authority, the Federal Bureau of Alcohol Tobacco and Firearms, the DEC, and the DOH are also in progress. Mr. Gifford indicated that copies of these permits would be submitted to the Planning Board as the project proceeds. He also stated that Olde Germania has received classification as a Sub "S" corporation.

Randy Robinson asked whether the operation would be bonded by the Dept. of Agriculture and Markets. Mr. Gifford explained that

initially, Olde Germania would not fall under the jurisdiction of that department since it would not be classified as a farm winery. Once the purchase of grapes begins, however, Mr. Gifford indicated that Agriculture and Markets would oversee that aspect of operations. Mr. Robinson asked about the expected closing date on the property. Mr. Gifford indicated that closing will take place as soon as Vintners obtains all necessary signatures from various lien holders. Mr. Venema noted that a copy of the agreement between Olde Germania and Vintners is on file.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant, and completed SEQR Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Bill Venema, seconded by Chairman Magee, that a Negative Declaration be prepared. Roll call vote was taken:

Bill Venema	-- Aye
Randy Robinson	-- Aye
Chairman Magee	-- Aye

Based upon the Board's review of the submissions on file, based upon the applicant's compliance with each of the requirements outlined in the Town of Urbana Code Sections 88-10 and 88-11, and based upon the applicant's statement that copies of all pending permits shall be submitted to the Planning Board upon receipt, it was determined that the Olde Germania project had met the provisions of the Site Plan Review Law with sufficient compliance as to be granted status for consideration by the Planning Board. Bill Venema made a motion that further review of the Olde Germania project be waived at this time. The motion was seconded by Randy Robinson. Roll call vote was taken:

Bill Venema	-- Aye
Randy Robinson	-- Aye
Chairman Magee	-- Aye

The applicant was advised to apply to the ZBA for the necessary variances.

Chairman Magee advised that Board that the Hammondsport Chamber of Commerce intends to apply to the ZBA for a variance allowing them to erect an oversized sign on the lot at the intersection of Route 54 and 54A. The sign would welcome visitors to Hammondsport and will be built with donated materials and labor. The Chamber had asked that the Planning Board consider writing a favorable opinion to the ZBA. The members agreed to take this under review, once the application is made.

As there was no further business before the Board, Bill Venema made a motion to adjourn the meeting at 8:38 P.M.E.D.T. Randy Robinson seconded the motion. All members voted "Aye."

Approved



Robert Magee

TOWN OF URBANA PLANNING MEETING
AUGUST 4, 1993

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

PUBLIC Mike Doyle
PRESENT: Jim Gifford
 Mark Lewis
 Erwin Robinson
 Paul Wood

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Vintner's International at 7:08 P.M.E.D.T. The hearing was a continuation of the July 15, 1993, hearing. Mark Lewis was present, representing Vintner's. Jim Gifford was also present, representing Olde Germania. The Chairman noted that a survey of the parcel, and a survey of the property from which the parcel is to be subdivided, had been submitted. In addition, the SEQR EAF Part 1, tax receipts and copies of the deed were present.

The Chairman asked for questions or comments from the public. Paul Wood referred to the EAF, page 3, #20: has the site ever been used for the disposal of solid or hazardous waste. Mr. Wood wished to make the Board aware of the fact that the bank in front of the Germania building had been used as a dumping site for broken glass for many years, and that during one period of high water, glass had washed down on to the road, damaging passing vehicles. Mr. Wood also inquired as to the disposal of liquid waste. He stated that he is concerned that increasing the usage of the Taylor system will also increase odors in the valley. Mr. Lewis stated that in his opinion, the usage would not increase significantly, as the wastewater generated by Germania would be minuscule in comparison to Taylor's current output. Mr. Wood asked whether the Taylor system was designed to handle septic waste. Mr. Gifford explained that there is a separate septic system for the 2 bathrooms. Mr. Wood inquired as to the capacity of the septic tanks and asked whether the system had been inspected. Mr. Gifford stated that as of yet it had not, but that inspection is required prior to title transfer.

In light of recent developments concerning the possible sale by Vintner's International of the Taylor Wine Co., Randy Robinson asked whether the perspective buyers of Taylor Wine had been made aware of the proposed Germania project, and if so, what was their impression, i.e., favorable or unfavorable. Mr. Lewis replied that the buyers are aware that the transaction is underway. He explained, however, that at present, there is little communication between the two companies, so he could not say whether or not the buyer's impressions were favorable.

Erwin Robinson asked whether Mr. Gifford intends to keep Germania open year-round, and if so, what were his plans for a heating system.

Mr. Gifford stated that he does intend to operate all year, and that he intends to convert the building from fuel oil to natural gas. Chairman Venema confirmed that the oil tank has already been removed.

The Board was addressed by Town Watershed Inspector Terry DeBuck. He advised the Board and Mr. Gifford that prior to making his inspection of the septic system, he will require data on the anticipated flow rates in order to determine whether or not the system will be adequate. He also explained that, since Germania is a commercial venture, he would not have jurisdiction over the project if the flow rate exceeds 1,000 gallons per day, rather, the system would fall under DEC regulation.

Chairman Venema asked if there were any further comments or questions regarding this matter. As there were none, the public hearing was closed at 7:21 P.M.E.D.T.

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Michael J. Doyle at 7:21 P.M.E.D.T. Affidavit of Publication is on file. Mr. Doyle was present to answer questions. As requested at the preliminary hearing, Mr. Doyle presented a survey map of the parcel to be sold, indicating a total area of 39.892 acres. The Board determined that frontage requirements had been met and that the rest of the application was in order. Robert Magee asked whether Mr. Doyle had made plans to have the septic system inspected. Mr. Doyle indicated that he had. Terry DeBuck advised Mr. Doyle that the Code stipulates that the inspection be done at least 10 days prior to the property transfer. Mr. DeBuck also requested that he be given at least 24 hours advanced notice, prior to scheduling the inspection. Mr. Doyle stated that he would inform Mr. McAllister.

Chairman Venema asked if there were any further comments or questions regarding this matter. As there were none, the public hearing was closed at 7:28 P.M.E.D.T.

Chairman Venema opened the Regular Meeting at 7:28 P.M.E.D.T. Jim Presley noted one correction to the minutes of July 15, 1993. Robert Magee made a motion to approve the minutes, as amended. Randy Robinson seconded the motion. All members voted "Aye."

Vintner's International Subdivision -- The Chairman presented to the Board members copies of a narrative summary of the proposed Germania project, submitted by Mr. Gifford to the Town Clerk on August 3, 1993. It was determined that this information was more pertinent to the Site Plan Review than to the subdivision itself, and would be reviewed further at that time. The Board determined that for purposes of subdivision, all required documentation was present. Randy Robinson asked when the transfer of the property would become final. Mr. Gifford advised the Board that the closing had been tentatively scheduled for Monday [August 9, 1993], depending on the outcome of the current proceedings, and the septic inspection.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant. Addressing the point raised by Paul Wood concerning the disposal of solid or hazardous wastes, Robert Magee asked Terry DeBuck whether in his opinion, glass would fall into this category. Mr. DeBuck replied that because it is not a

degradable material, such as wood, or naturally occurring, such as stone, glass is theoretically considered a solid waste. He stated that glass alone is not toxic by nature, however, certain substances contained in the glass could, in some cases, create dangerous substances. Mr. DeBuck explained that a soil sample would be the best way to detect any contamination. Jim Gifford asked how long ago the glass had been placed on the hillside. Mr. Wood stated that it was before his time and although the practice continued for many years, the glass had since been covered by dirt and brush. Mr. Wood stated that he suspected most of the glass had been washed away by now, and that he only wanted to make Mr. Gifford aware of the possibility that a small amount might still remain. Mr. Gifford explained that in order to avoid erosion problems, he had made no plans to excavate in that particular area.

The Board then completed SEQR Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Robert Magee, seconded by Jim Presley, that a Negative Declaration be prepared. Roll call vote was taken:

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

It was the determination of the Planning Board that the Minor Subdivision application of Vintner's International had met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Robert Magee made a motion to approve the Vintner's International Minor Subdivision as submitted, and to instruct the Chairman to sign to survey. Mardo Doherty seconded the motion. Roll call vote was taken:

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

The applicant is reminded that the inspection of the septic system is required by law, prior to the transfer of any real property.

Doyle Subdivision -- The Board reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant, and completed Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Jim Presley, seconded by Mardo Doherty, that a Negative Declaration be prepared. Roll call vote was taken:

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

It was the determination of the Planning Board that the Minor Subdivision application of Michael J. Doyle had met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Jim Presley made a motion to approve the Doyle Minor Subdivision as submitted, and to instruct the Chairman to sign to survey. Mardo Doherty seconded the motion. Roll call vote was taken:

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

Advisory Opinion to the ZBA -- Robert Magee brought before the Board a draft version of the advisory opinion relative to the variance application of Henry Drake. The Board reviewed and amended the draft, pointing out that a self-created hardship cannot be considered as a basis for the granting of a variance. Robert Magee agreed to make the revisions prior to the ZBA hearing. The Board also reviewed a letter from CEO Oliver to the ZBA, which addressed a separate issue, i.e., the distance between the proposed structure and an existing structure. The secretary was directed to present copies of both letters to ZBA Chairman Joe Littleton and the ZBA members prior to the hearing.

The Chairman reported that a subdivision application had just been received from Attorney John McCarthy on behalf of Peter Morello. Copies of the application materials were distributed to the Board members. It was agreed that this matter should be addressed at the next Regular Meeting after the materials had been reviewed.

Robert Magee brought before the Board a short narrative outlining possible revisions to the subdivision law, relative to the survey requirements for minor subdivisions (Urbana Town Code Section 93-25). Mr. Magee read the narrative to the Board and the public present. (see attached) Mr. Magee explained he did not personally agree with removing the survey requirement, however, he stated that, should the Board agree with the concept presented, the actual language of the amendment should be discussed. Mardo Doherty stated that although she did not personally favor changing the current survey requirements, she agreed that the requirements are, as stated in Mr. Magee's narrative, "not in keeping with the wishes of the general public." Jim Presley stated that during his tenure on the Planning Board, the minor subdivision survey requirements had been the largest stumbling block and greatest area of confusion and controversy. He stated that he was in favor of the revisions. The Board then discussed the specific provisions to be made in the proposed amendment, including the provision that the subdivider must provide clear evidence that the newly created parcel will conform to area and frontage requirements, and that the subdivider will be present at the public hearing. Robert Magee agreed to complete the draft and submit it to Attorney Flynn for review by Monday, August 9.

Mr. Magee stated that the sign law would also be ready for review by Attorney Flynn at that time. It was agreed that, subject to Attorney Flynn's review, the two proposals would be submitted to the Town Board at their next regular meeting (August 9).

Olde Germania -- The Board discussed the unresolved aspects of the project. Attorney Flynn stated that he had not heard or seen any information related to traffic considerations since the original concept review. Jim Gifford briefly explained the proposed traffic flow patterns. He explained that he had discussed these plans with Town Highway Superintendent Doug Bailey. A question arose as to the inspection of the sanitary system. Mr. Gifford explained that Terry DeBuck would be examining the system on Friday, August 6. It was agreed that both the applicant and the Board would review the criteria outlined in Chapter 88-14 to insure that all issues had been addressed, and meet again on August 11 to review all submissions.

The Board was addressed by Terry DeBuck. He explained that he had notified local real estate agents that the law requires septic inspections prior to transfer of property. However, he continued, there is no mechanism currently in place which notifies him of property transfers made by individuals, i.e., those made without a realtor. Mr. DeBuck stated that he is concerned that certain individuals may not be aware of the inspection requirements, and, if he is not made aware of the property transfers, the inspection may be overlooked. It was agreed that when a subdivision involves the transfer of non-vacant lands, the Planning Board shall notify Mr. DeBuck. Randy Robinson asked how Mr. DeBuck is notified when the living space is increased at a particular residence. Mr. DeBuck stated that the building inspector generally notifies him of these situations. Robert Magee pointed out that the new Master Application will also alert applicants to the watershed regulations.

As there was no further business before the Board, Robert Magee made a motion to adjourn the meeting at 9:12 P.M.E.D.T. Mardo Doherty seconded the motion. All members voted "Aye."

Approved



William Venema
William Venema

TO: The Town Board, Town of Urbana

RE: Proposed Town Code Amendment

The Town of Urbana code, Section 93, addresses the subdivision of land within the Town boundaries. The Code classifies the subdivision of land into two classifications. The classification of Minor Subdivision is designated when a subdivision contains four or less parcels and does not require the creation or extension of municipal facilities or roadways. Subdivisions containing five or more lots are classified as a Major Subdivision, and require more detailed submissions.

The vast majority of subdivisions within the Town are classified as Minor Subdivisions, and generally involve the subdividing one small lot from a larger tract. Section 93-25 requires that the applicant provide a survey of the entire deeded parcel that is to be subdivided, as well as a survey of any newly created lots.

While the Planning Board fully recognizes the logic behind such a requirement, it has been a constant source of conflict. It is the opinion of this Board that the section requiring a survey of the entire deeded parcel is not in keeping with the wishes of the general public. We would like to consider modifying this requirement, only in instances of a Minor Subdivision containing one newly created parcel. To accomplish this goal it would be necessary to amend Section 93-25, paragraph B., to read as follows:

- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments and shall be referenced and shown on the plat. The Planning Board, upon its review, may elect to waive by majority vote, the aforementioned requirement, providing the following conditions are met:*
- 1. The Minor Subdivision results in the creation of no more than one new parcel that is no larger than forty nine percent of the original lot size.*
 - 2. The applicant shall provide clear and concise documentation that adequately defines the boundaries of the original lot.*
 - 3. The applicant shall provide clear and concise documentation that insures that the newly created parcel, as well as the remainder of the original parcel, meet all minimum lot size, dimensional and road frontage requirements.*
 - 4. The applicant shall provide an actual field survey of the newly created parcel.*

Such a waiver may only be utilized one time. Any future subdivision of the original parcel shall require a complete field survey of both the original parcel, as well as any newly created parcels.

We would like to have the Town Board present at a Planning Board work session, to be scheduled at your convenience, and discuss this proposal further. In the interim, we are requesting council from Attorney Flynn, as well as input from the appropriate State and County agencies.

Respectfully,
Town of Urbana Planning Board
William Venema, Chairman
Margaret Doherty, Member
Robert Magee, Member
Jim Presley, Member
Randy Robinson, Member

cc: Town Board Members
Town Code Enforcement Officer
Town Attorney

TOWN OF URBANA PLANNING MEETING
JULY 15, 1993

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

PUBLIC Mike Doyle
PRESENT: L. Paul Wood

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Vintner's International at 7:20 P.M.E.D.T. Affidavit of Publication is on file. The Chairman noted that a survey of the parcel, and a survey of the property from which the parcel is to be subdivided, had been submitted. In addition, the SEQR EAF Part 1, tax receipts and copies of the deed were present. The Chairman asked if there were any questions or comments from the public. Mike Doyle asked whether the hearing should proceed, as there was no one present representing the applicant. Chairman Venema explained that Mark Lewis had attended previous preliminary meetings, and that in past practice, the Planning Board has held public hearings in the absence of the applicant. Robert Magee suggested that, if necessary, the public hearing could be recessed until such time as the applicant could be present. Randy Robinson made reference to the possible sale of the Taylor Company, as described in a recent newspaper article, and asked whether the potential buyer had been made aware of this subdivision application. Robert Magee pointed out that as of the current meeting, the applicant, Vintner's International, and the owner of record, are one in the same.

Mr. Doyle asked to examine the EAF. He stated that, in the long term, he was concerned about the wastewater situation, since the contractual agreement giving Germania access to Taylor's wastewater system would expire in 5 years. He also inquired about separate septic facilities available to Germania. Chairman Venema stated that according to Jim Gifford, the lower part of the front building would use a separate septic, since it is situated below the level of the drain which carries water to the Taylor system. Mr. Doyle asked whether the Planning Board had in its file a copy of the wastewater agreement. Chairman Venema answered affirmatively.

Robert Magee stated that in checking the Code, he could find no attendance requirement which would prevent a public hearing from taking place in the absence of the applicant. Chairman Venema asked if there were any further comments or questions regarding this matter. As there were none, the public hearing was closed at 7:29 P.M.E.D.T.

Chairman Venema opened the Regular Meeting at 7:30 P.M.E.D.T. After two corrections to the minutes of June 23, 1993, were noted, Robert Magee made a motion to approve the minutes, as amended. Mardo Doherty seconded the motion. All members voted "Aye."

The Board then conducted its preliminary review of the subdivision application of Leonard French. Donna French was present to answer questions. This application had first been reviewed at the June 16, 1993, meeting, at which time, no survey map was available. The Board informed Mr. French at that time that in order to meet the requirements of the subdivision law, his survey must define both the 2-acre lot which he intends to sell, and the deeded parcel from which the lot is to be cut. Since the deeded parcel is divided by an established road, the Board had determined that only a portion of the parcel, that portion located on the same side of the road as the proposed 2-acre lot, would need to be surveyed.

Mrs. French brought before the Board a recently completed survey map. After examining the survey and comparing it with the tax map and the deed, it was determined that the survey did not adequately define the portion of the deeded parcel from which the lot is to be cut. The Board members reviewed the requirements with Mrs. French and explained which lines must be indicated on the survey map in order to make it acceptable. Mrs. French stated that these requirements had been explained to the surveyor, but apparently, he had not understood them. The Board provided Mrs. French a copy of the minutes of the June 16 meeting and a copy of the tax map showing the rough boundaries of the area to be surveyed for her reference, and advised her to contact Chairman Venema as soon as the survey was completed.

The Board then conducted its preliminary review of the subdivision application of Mike Doyle. Mr. Doyle was present to answer questions. The proposed subdivision involves the sale of a 37-acre parcel. Mr. Doyle brought before the Board an aerial survey of his property, on which he had sketched the location of the 37 acres. The Board determined that the proposed subdivision would meet area and frontage requirements. Chairman Venema asked whether the aerial survey would be updated to indicate the line of subdivision. Mr. Doyle stated that it would not, rather, there would be a field survey made of the 37-acre parcel. He stated that his application meets the requirements of state law by identifying the whole, by means of the aerial survey, and identifying the part to be subdivided, by means of the field survey to be made of the 37 acres. Mr. Doyle stated that asking him to resurvey his entire property would be an onerous requirement, and one not mandated by state law. Robert Magee stated that the Board did not mean to suggest that the entire property should be resurveyed. Mr. Magee explained that the new line would simply be drawn on the existing map and the survey recertified. Attorney Flynn asked whether Mr. Doyle intended to update the survey in the manner described by Mr. Magee. Mr. Doyle stated that two different surveyors were involved and that this would not be possible. Attorney Flynn asked whether, if at some time in the future, Mr. Doyle were to sell another parcel, he would also have that parcel surveyed. Mr. Doyle stated that he would. Attorney Flynn inquired as to how Mr. Doyle could insure that all the pieces would still fit, if the original survey is not updated each time. Mr. Doyle stated that it is the responsibility of the licensed surveyors, not himself or the Planning Board, to insure that the surveys are accurate. He stated that the purpose of the subdivision law is to insure that, when property is subdivided, there are appropriate services, fire protection, road accessibility, etc., and that in this case, all of these services are in place. Attorney Flynn stated that these considerations are indeed addressed by the

public health law, but that the Board must also address its own subdivision law. Robert Magee asked whether the county would be able to record the subdivision, based on the documents Mr. Doyle intends to submit. Attorney Flynn stated that once a map is certified and signed by the Planning Board Chairman, the county will record the new lot, however, he pointed out that, historically, in any given town, the county has recorded lots without proper certification. Therefore it is essential, Attorney Flynn stated, that the Planning Board keep its own records, accurately documenting the subdivision history of each parcel.

After further discussion, it was the consensus of the Board that the aerial survey, in combination with the 37-acre field survey to be completed, would sufficiently define the entire parcel and the parcel to be subdivided. The rest of the application, including SEQR Part 1, was found to be in order. Robert Magee made a motion to accept the Doyle Minor Subdivision Application and schedule a public hearing. Jim Presley seconded the motion. All members voted "Aye." The date of the hearing was tentatively scheduled for August 4, 1993. Mr. Doyle stated that he would attempt to have the field survey completed in time for the hearing.

Robert Magee suggested that the minor subdivision requirements may need to be reviewed and revised, in an effort to make them more clear and concise. The Board discussed each of the recent minor subdivision cases in order to determine whether the requirements had been consistently applied. It was determined that in all but one case (Kough), a survey or surveys had been submitted, identifying: 1) the entire parcel as it existed prior to subdivision, or, when a natural boundary such as a road was present, that portion of the parcel defined by said boundary; and 2) the piece to be cut from that parcel.

Mr. Magee stated that as a result of his contacts with various state and county officials, it was his understanding that the Board had come to a consensus regarding survey requirements (see the minutes of December 2, 1992) and that the consensus had been to require a survey of the whole and of the part. However, he continued, the Board immediately deviated from these requirements by allowing Mr. Garrison to submit a survey defining only a portion of the entire deeded parcel. Mr. Magee stated that his main concern is that the Board remain consistent in its requirements. Randy Robinson stated that in his opinion, the instructions given to the French's were consistent with what was required in the Garrison case. Mr. Robinson stated that Mr. Doyle had also defined the whole and the part and felt that the Board had been consistent. Attorney Flynn advised the Planning Board members that at some time in the future, the Town Board may propose that the minor subdivision requirements be reviewed, but that none of the considerations to be proposed would run contrary to action taken during the current proceedings.

Returning to the Minor Subdivision Application of Vintner's International, it was determined that several questions remained unanswered. Paul Wood expressed the same concerns regarding the treatment of wastewater that Mr. Doyle had raised earlier. Since the Board members and the public did not have an opportunity to have their questions answered, it was determined that a vote could not be taken on this matter. Mardo Doherty made a motion that further

action on this matter be postponed and another public hearing scheduled. Jim Presley seconded the motion. All members voted "Aye." The date of the hearing was tentatively set for August 4, 1993.

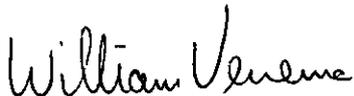
The Board agreed to hold a work session on ^{Wed} July 21, 1993, to complete the sign law.

Advisory Opinion to the ZBA -- The Board discussed the variance application of Henry Drake scheduled to go before the ZBA on August 5, 1993. It was noted that the applicant had commenced construction without a building permit, was subsequently issued a stop work order, and was now seeking a variance from setback requirements from the ZBA. Chairman Venema pointed out that the applicant currently owns the lot adjacent to the building lot, however, should he decide to sell the lot at some time in the future, his structure will be too clo

se
to the lot line and in violation of the zoning law. The Chairman pointed out that if the applicant had applied for a building permit prior to beginning construction, he would have been advised of the setback requirements by the Code Enforcement Officer and a variance would not have been necessary. Randy Robinson stated that Mr. Drake was aware of the permit process, recalling that both Mr. and Mrs. Drake were in attendance at the Site Plan Review public hearing. Mr. Robinson felt that by beginning construction first, and then requesting a variance, Mr. Drake was in effect attempting to circumvent the process. Jim Presley pointed out that the Snakes Motorcycle Club, property owners adjacent to Mr. Drake, had also applied for a variance from setback requirements, and had been turned down. They were required, Mr. Presley continued, to revise their building plans, bring the structure into compliance and reapply for a building permit. Randy Robinson made a motion to submit a negative advisory opinion to the ZBA regarding the variance application of Henry Drake, citing the precedent of the Snakes Motorcycle Club and pointing out the fact that Mr. Drake was aware of the permit process and neglected to apply for a building permit. Robert Magee seconded the motion. All members voted "Aye." Chairman Venema agreed to draft the opinion.

As there was no further business before the Board, Mardo Doherty made a motion to adjourn the meeting at 9:45 P.M.E.D.T. Robert Magee seconded the motion. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
JUNE 23, 1993

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

PUBLIC Herman LaPierre
PRESENT: L. Paul Wood

Chairman Venema opened the Special Meeting at 7:15 P.M.E.D.T. Randy Robinson made a motion to approve the minutes of the June 16, 1993, meeting as submitted. Mardo Doherty seconded the motion. The motion carried, Doherty, Robinson, Venema voting "aye," Magee, Presley abstaining.

Old Business

Herman LaPierre, Site Plan Review -- Chairman Venema reported that since the last meeting of the Planning Board, it had been verified that the original subdivision of property owned by Malcolm Lane and Michael Vought had been the subject of a public hearing, held on August 27, 1987. A copy of the legal notice documenting the hearing was on file with the Town Clerk. At the time of the hearing, the Chairman explained, there were no regulations governing lot size.

Attorney Flynn clarified a reference made in the minutes of the June 16, 1993, meeting to a conversation between himself and Randy Robinson: "Randy Robinson stated that it had been brought to his attention by Attorney Flynn that when this parcel was originally subdivided (Vought to Basa), no public hearing had been held." Attorney Flynn stated that as far back as 1991, he had made a diligent search for records relevant to the Lane/Vought subdivision, however, no such file existed in the Town Office. Counsel had directed a written inquiry to the previous Code Enforcement Officer, Arthur Chapman, on August 19, 1991, regarding this matter. In his written response, dated August 21, 1991, Mr. Chapman had advised Attorney Flynn that he had searched his records and could find nothing pertaining to the transaction. The comments made during the aforementioned conversation between Attorney Flynn and Mr. Robinson had therefore been based upon information provided to Attorney Flynn by a reasonable source and upon counsel's personal inspection of Town records. Furthermore, it was noted that when documentation verifying the public hearing surfaced, Attorney Flynn personally delivered a copy of the legal notice and the letter to the Corning Leader to Mr. LaPierre's counsel, Attorney John McCarthy. Attorney Flynn was not present at the August 27, 1987, hearing, nor was he counsel to the Planning Board at that time.

Randy Robinson inquired as to the differences between the survey map which had initially been presented to the Planning Board, and the revised version now in the Zoning Board of Appeals file. Chairman Venema explained that, upon the recommendation of the Planning Board,

Mr. LaPierre had made provisions for screening, i.e., a wood fence and trees, which were then included on the revised survey map presented to the ZBA at their meeting of May 27, 1993. The Planning Board members examined this revised map. Attorney Flynn requested that a copy of the revised map be included in the record of the current proceedings.

Robert Magee referred to finding #8 of the ZBA decision and inquired as to the identity of the property owners who had expressed the concerns listed. Chairman Venema replied that Mr. White and Mrs. Shuart were the only neighboring property owners present at the ZBA hearing. The Chairman explained that neither had expressed formal objections to the project.

Randy Robinson stated that the Board now has the option of calling for a formal Site Plan Review and scheduling a public hearing, or waiving such review. Robert Magee stated that in his opinion, Mr. LaPierre has provided more than adequate documentation, and the only reason to have the formal Site Plan Review would be to bring the issue before the public. He added that in a sense, this purpose had already been accomplished, as the public hearing held by the ZBA, although specifically intended for the consideration of a Special Use Permit, served to bring the matter before the public. Chairman Venema added that the ZBA made a thorough review of the project, following the checklist outlined in the Town Code.

Robert Magee inquired as to the submission of the finalized floor plan. Mr. LaPierre stated that the finalized version has not been submitted as of yet. He explained that it was his understanding that the details of the floor plan would be developed in cooperation with the building inspector, once the Planning Board gave its approval to move ahead with the project. Mr. LaPierre stated that other submissions would be forthcoming as well: a topographical survey, information from which would be used to make application to the DOT for a driveway permit, as well as to determine the degree of excavation necessary, and percolation tests, which would be done prior to making application for a septic permit, and to certify the dry wells. Final drawings would include the underground piping and tank storage and would be certified by a P.E. as conforming to EPA regulations. The DEC would inspect the storage tank for proper installation and issue a permit prior to covering the tank.

Randy Robinson inquired as to the type of exterior lighting to be used. Mr. LaPierre described the lighting as primarily florescent, with the exception of eight 60-watt incandescent bulbs mounted in soffits around the overhang at the front entrance. There would be eight 400-watt halite vapor fixtures on the canopy over the gasoline island, 6 of which would be shut off after business hours. There would be 2 mercury vapor security lights on the building itself, one at the rear entrance and one on the corner of the building. Mr. Robinson asked whether there would be any pole lighting, to which Mr. LaPierre answered negatively.

Attorney Flynn advised that the Planning Board should make its own 239M referral to the County Planning Board for purposes of Site Plan Review. He explained that the referral made by the ZBA was relevant for purposes of a special use permit only, and that although the Town Planning Board may opt to waive its own Site Plan Review procedures,

it cannot waive county review. Failure to make such a referral, Attorney Flynn explained, may constitute a defect in the Board's proceedings. In addition, the revised survey map had not been presented to the ZBA until the day of the hearing and therefore could not have been reviewed by the county. Jim Presley stated that in his opinion, the addition of screening to the survey map would not affect the county's decision. Attorney Flynn agreed, but stated that the Board should nevertheless submit their own referral.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant, and completed Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Robert Magee, seconded by Jim Presley, that a Negative Declaration be prepared. Roll call vote was taken:

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

Based upon Mr. LaPierre's attendance at 3 concept review sessions, submission of all requested documents and information to the Planning Board, and lack of any public objections raised at the ZBA hearing, Robert Magee made a motion that the Planning Board waive any further review of Mr. LaPierre's project, contingent upon submission of the following:

- Finalized floor plan
- stamped and certified plans for underground gasoline storage and piping
- topographical map indicating excavation
- wastewater permit
- sign permit
- tacit approval from the County Planning Board
- any and all other applicable permits required by appropriate agencies

The motion was seconded by Jim Presley. Roll call vote was taken:

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

Randy Robinson made a motion that the LaPierre file be submitted to the County Planning Board for review. Robert Magee seconded this motion. All members voted "Aye." Chairman Venema agreed to personally deliver the file to Mr. Greg Heffner's office.

CEO Oliver confirmed that Mr. LaPierre had submitted all necessary permit applications, with the exception of the wastewater permit. It was noted that a copy of the Conditioned Negative Declaration filed by the ZBA would be placed in the Planning Board's file.

Vintners International, Subdivision -- This application is scheduled for a public hearing on July 15, 1993.

Sign Regulations -- Robert Magee inquired as to the availability of funds to pay for sample signs for presentation to the Town Board. Chairman Venema stated that the Planning Board has a line item amount in the budget to cover such expenses.

Vendor Regulations -- Robert Magee brought before the Board excerpts from various vending laws currently in effect in other towns. He explained that most of these laws draw a distinction between roadside vending and door-to-door soliciting and treat each differently. The Board discussed at length the necessity of regulating roadside vending in the Town of Urbana. Mr. Magee reported that the NYS DOT currently prohibits roadside vending along primary access routes within the state's right-of-way. This prohibition is not aggressively enforced, but will be pursued upon request. Randy Robinson pointed out that there are many potential vending sites other than along the state highway and felt that the town should exercise a certain degree of control over such sites. Robert Magee added that in his opinion, there should also be regulations governing the types of products to be sold.

A question arose as to the possibility of establishing a farmer's market on Fire District premises. Attorney Flynn stated that he believed that, being public property, the premises could be leased, provided that the proper procedures, involving a public hearing and permissive referendum, were followed. Robert Magee asked whether produce sold at roadside stands could be restricted to products grown within the Town of Urbana. Attorney Flynn stated that such a regulation would not be proper, as it would interfere with free commerce.

After further discussion, it was the consensus of the Board that the following recommendations regarding the regulation of roadside vendors be made to the Town Board:

- 1) items to be sold shall be limited to agricultural and related products
- 2) roadside stands shall be located outside of any right-of-way and 500' from any intersection
- 3) persons operating roadside stands on property other than their own shall obtain written permission from the property owner to be produced upon demand
- 4) operation of roadside stands shall be limited to a time period of 45 days
- 5) the proposed regulations shall be enforced by the Code Enforcement Officer

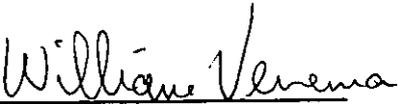
The Board then discussed door-to-door soliciting, i.e., transient merchants. It was the consensus of the Board that this type of activity should require a permit. The permit application would include the following information: the merchant's name and

address; name and address of the parent company, if any; the merchant's drivers license; make, model and license number of the merchant's vehicle(s). The permit would be issued by the Town Clerk; a permit fee would be charged.

Robert Magee agreed to put these recommendations in writing and provide copies to the Planning Board members prior to the June 28 meeting of the Town Board. It was decided that any questions concerning the written draft could be discussed at an informal work session to be held at 6:00 p.m. on the 28th.

As there was no further business before the Board, Chairman Venema made a motion to adjourn the meeting at 10:18 P.M.E.D.T. Robert Magee seconded the motion. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
JUNE 16, 1993

PRESENT: Mardo Doherty, Member
Randy Robinson, Member
William Venema, Chairman
Roxanne Gaylord, Recording Secretary

PUBLIC Mr. and Mrs. Ronald Klement
PRESENT: Herman LaPierre
Leonard French
Erwin Robinson
Peter Doherty

Chairman Venema opened the Regular Meeting at 7:08 P.M.E.D.T. Mardo Doherty made a motion to approve the minutes of the June 2, 1993, meeting as submitted. Randy Robinson seconded the motion. The motion carried, all members voting "aye."

Old Business

Herman La Pierre, Site Plan Review -- Chairman Venema reviewed the sequence of events relevant to Mr. LaPierre's project, a proposed convenience store with self-serve gasoline. A preliminary review had been conducted by the Planning Board on March 3, 1993. Mr. LaPierre was advised at that time that a special use permit would be required. A public hearing to consider the special use permit had been held before the Zoning Board of Appeals on May 27, 1993. The permit was granted and the findings and decision of the ZBA were filed in the office of the Town Clerk on June 3, 1993.

Chairman Venema pointed out that on March 3, 1993, the Planning Board had resolved to conduct a formal Site Plan Review of this project. The minutes of that meeting also noted a suggestion that the Site Plan Review be held concurrently with the ZBA hearing to expedite matters. The Chairman stated that, in his opinion, the ZBA had conducted a thorough review, and suggested that the Planning Board accept the findings of the ZBA at this time and waive further review.

Randy Robinson stated that it had been brought to his attention by Attorney Flynn that when this parcel was originally subdivided (Vought to Basa), no public hearing had been held. It was his understanding that this fact may constitute grounds for a court case, should someone object to Mr. LaPierre's project and choose to pursue the matter. Chairman Venema explained that under the procedures in place at that time, public hearings were not held, and that many subdivisions were approved without public hearings. He stated that Mr. LaPierre's project had already been the subject of one public hearing (ZBA), and that no objections were raised at that time. Mr. Robinson suggested that a formal public hearing on the subdivision would be the best way settle the issue and avoid future problems and delays. Mr. LaPierre stated that in the opinion of his own counsel, Attorney John McCarthy, the statute of limitations has expired with regard to the original subdivision and there are no grounds for an injunction to be brought. Mr. LaPierre stated that he intends to proceed according to this advice.

The Board then reviewed the findings and the decision made by the ZBA. Chairman Venema asked whether the Planning Board members wished to accept these findings and waive further review. Randy Robinson stated that he would be reluctant to waive all further review without the other two Board members present.

Mardo Doherty inquired as to how the three areas of concern listed in finding #8, page #2 of the ZBA decision, are to be addressed, i.e., "traffic patterns, storage of gasoline and impact on the aquifer." Mr. LaPierre explained that these concerns had been addressed at the ZBA hearing, and that the mitigating factors had been outlined as follows: The storage of gasoline requires a DEC permit. Said permit will not be issued until all applicable regulations are met. Similarly, a DOT driveway permit is required for ingress and egress on to State Route 54. Said permit will address matters of traffic safety and requires that a topographic survey be done. Impact on the aquifer, Mr. LaPierre explained, refers to surface run-off from the paved parking lot. He stated that there will be two dry wells, designed and located by engineers, which will handle the run-off. Mr. LaPierre pointed out that his plans will be certified by a licensed engineer and subject to review and approval by the building inspector prior to the issuance of any building permits. He stated that the original plans which he had brought before the Planning Board in March had addressed nearly all of the concerns mentioned, traffic, water, parking, etc. He felt that the ZBA had subsequently conducted a thorough review, and imposed reasonable conditions. Mr. LaPierre stated that he is now dismayed by the prospect of a delay created by the circumstances of the prior subdivision. He repeated that upon advice of his own counsel, he is willing to assume any risks.

After a brief discussion, Mardo Doherty made a motion that the Planning Board accept the findings filed by the ZBA on June 3, 1993, and waive any further Site Plan Review of the application of Herman LaPierre. The motion was seconded by Chairman Venema. Roll call vote was taken:

Mardo Doherty	-- Aye
Randy Robinson	-- No
Chairman Venema	-- Aye

Mr. Robinson commented that his vote did not reflect any disapproval toward the project. He explained that he had concerns that the other board members were not present to comment and vote upon a project of this magnitude. He stated that he did not wish to unnecessarily delay Mr. LaPierre and suggested that the Board meet again as soon as possible, with the other members present. It was decided that the work session scheduled for June 23 would be posted as a special meeting in order that official business could be conducted at that time. Mr. LaPierre stated that he was satisfied that the Board had legitimate concerns and agreed to return in one week.

Vintners International, Subdivision -- The Chairman reported that he had received a copy of the survey of the total area, a copy of the deed, and a copy of the signed wastewater agreement, as per the Board's request. The Board examined these documents. Upon examining the survey map, the Board determined that the deed submitted corresponded to the smaller parcel, i.e., the parcel to be sold by Vintners. It was the consensus of the Board that a copy of

the deed to the larger parcel from which the land is to be taken should also be examined. Chairman Venema agreed to notify the applicant of this requirement. It was determined that this application was sufficiently in order to schedule a public hearing, tentatively set for July 5, 1993.

Garrison Subdivision -- The Chairman reported that he had received three copies of the revised survey map, with the lines indicating the presence of a third lot having been removed. All other submissions were found to be in order, with the exception of the payment of the application fee. Mr. Klement stated that he would pay the fee if it would expedite matters. The Board advised him that he could pay the fee if he wished, however, it was not his responsibility to do so; the fee is the responsibility of the applicant.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant, and completed Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this division of land will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Randy Robinson, seconded by Mardo Doherty, that a Negative Declaration be prepared. Roll call vote was taken:

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

It was the determination of the Planning Board that the Garrison Minor Subdivision application had met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration for approval or disapproval. Randy Robinson made a motion to approve the Garrison Minor Subdivision as submitted. Mardo Doherty seconded this motion. Roll call vote was taken:

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

Chairman Venema stated that he would sign the survey upon receiving notification from the Town Clerk that the application fee had been paid. He also agreed to notify Mr. Garrison in writing of his obligation to pay the fee.

Land Use Study -- Chairman Venema reported that there will be a joint meeting with the Town and Village Planning Boards at 7 p.m. on July 1, 1993, to discuss the study.

New Business

French Subdivision -- The Board conducted its preliminary review of the subdivision application of Leonard French. Mr. French explained that his property is covered by two deeds, parcel #1 totaling 53 acres and parcel #2 totaling 117 acres. The proposed subdivision would cut a 2-acre lot from parcel #2. Upon review of the application, all submissions were found to be in order, with the

exception of a survey. Mr. French stated that a survey of the 2-acre parcel was in progress. Randy Robinson explained that the law also requires a survey of the entire parcel from which the 2 acres will be taken. It was determined that parcel #2 is bounded in part by an established roadway. Mr. Robinson asked whether all of parcel #2 lies on the same side of that road, to which Mr. French answered negatively. Mr. Robinson pointed out that the road could be considered a natural boundary. It was the consensus of the Board that a survey which defines that section of parcel #2 which lies on the same side of the road as the proposed 2-acre lot would be acceptable for purposes of subdivision. Mr. French was advised that once the survey is received, a public hearing will be scheduled.

Chairman Venema asked that the secretary contact Robert Magee in reference to the proposed codes governing transient merchants. He explained that a draft copy would have to be ready for review by the Planning Board at the June 23rd meeting. A recommendation would then be prepared for the Town Board, to be presented at their next meeting, June 28, 1993.

The Chairman reported that he had received a letter from Richard Yartym requesting that the deadline for the completion of his storage garage be extended. Mr. Yartym had written that the wet weather this spring had prevented him from completing the garage on time. He stated that it would be built by September 1, 1993.

The Board then returned to the matter involving Mr. LaPierre. Randy Robinson stated that he felt there had been a certain lack of communication regarding the purpose of the present meeting. He had thought it was scheduled as a work session only, for the purpose of discussing the outcome of the ZBA hearing and gathering further information from Mr. LaPierre. Mr. Robinson stated that he had been therefore unprepared to waive the site plan review. In addition, he had not seen the revised survey map which had been presented to the ZBA at their May 27 meeting, and wanted a chance to review the changes which had been made. A question also arose as to the nature of the exterior lighting which Mr. LaPierre intends to use. The Board agreed to discuss this with Mr. LaPierre on June 23.

As there was no further business before the Board, Mardo Doherty made a motion to adjourn the meeting at 8:47 P.M.E.D.T. Chairman Venema seconded the motion. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
JUNE 2, 1993

PRESENT: Mardo Doherty, Member
Jim Presley, Member
Randy Robinson, Member
William Venema, Chairman
Brian C. Flynn, Attorney
Roxanne Gaylord, Recording Secretary

PUBLIC: Barbara Wendlandt
PRESENT: Robert Domras
Dominick Forenz
Erwin Robinson
L. Paul Wood

Chairman Venema opened the Public Hearing for the Major Subdivision Application of Barbara Wendlandt at 7:06 P.M.E.D.T. Affidavit of Publication is on file. The Board examined the survey map and determined that area and frontage requirements had been met. Chairman Venema asked whether any of the neighbors present wished to address the Board. Robert Domras, an adjacent land owner, stated that he had no objection to the proposed subdivision as indicated on the current survey map. Chairman Venema pointed out that one of the property lines indicated on the current survey differs slightly from the map previously reviewed by the Board. Mr. Domras explained that there has been disagreement amongst various surveyors over the exact location of this line for many years and that he had been made aware of this situation when he purchased his property. He stated that the line indicated on the current Wendlandt survey represented a difference of approximately 6' from that indicated on his own survey. In his opinion, the discrepancy was not significant. Dominick Forenz, another adjacent land owner, stated that as long as the subdivision is recorded as per the current survey map, he had no objections. All other submissions, deed, tax maps, copies of the survey map, were found to be in order. As there were no further comments or questions regarding this matter, the public hearing was closed at 7:12 P.M.E.D.T.

Chairman Venema opened the Regular Meeting at 7:12 P.M.E.D.T. Mardo Doherty made a motion to approve the minutes of the May 5, 1993, meeting as submitted. Randy Robinson seconded the motion. The motion carried, all members voting "aye."

The Board then discussed the Wendlandt Major Subdivision Application. Chairman Venema stated that as no buildings or improvements are proposed, the additional requirements applicable to a Major Subdivision could be waived in this case. He referred to the Code of the Town of Urbana, Section 93-28, which provides for the variance of subdivision regulations under certain conditions. It was noted that Mrs. Wendlandt has submitted a notice of intent describing the purpose of the subdivision and that this notice will become part of the record. All other submissions were found to be in order.

In regard to the property line discrepancy discussed during the public hearing, Paul Wood asked whether the line indicated on the current survey map will be accepted as the official property line, should the subdivision be approved. Attorney Flynn explained that

the Planning Board can take no position on the accuracy of the lines drawn by the surveyor. He stated that the current survey map describes the lands of Wendlandt, and to the extent of Wendlandt's ownership of these lands, the Board may approve subdivision into the 5 lots described on the map. Any fine tuning of the boundaries would be done through a boundary line agreement amongst the parties, and, should the accuracy of any of the various surveys ever be called into question, Attorney Flynn explained that it would be up to a Supreme Court Justice to decide which line to accept.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant, and completed Part 2. Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this division of land will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment. A motion was made by Randy Robinson, seconded by Jim Presley, that a Negative Declaration be prepared. Roll call vote was taken:

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

It was the determination of the Planning Board that the Wendlandt Major Subdivision application had met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration for approval or disapproval. Jim Presley made a motion to approve the Wendlandt Major Subdivision as submitted. Randy Robinson seconded this motion. Roll call vote was taken:

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

A question arose as to the procedures involved, should any of the 5 lots come up for subdivision in the future. Attorney Flynn stated that in his opinion, such action should be treated as an extension of a Major Subdivision and should be subject to the requirements thereof. Jim Presley pointed out that as of now, each of the 5 lots is a separate parcel. He stated that it was his understanding that once the present action is finalized, any future subdivision would be considered a separate action. Attorney Flynn stated that when the Planning Board takes an application under consideration, the Board is obliged to examine the prior history of the property, otherwise, the property may be subjected to a series a minor subdivisions, circumventing the intent of the law.

It was brought to the Board's attention that the minutes of the April 14, 1993, meeting made reference to Part 2 of the Wendlandt SEQR having been completed at that time. As no one at the present meeting had any recollection of this action, Mardo Doherty made a motion that the record reflect that any reference to SEQR, Part 2, made in the minutes of the April 14, 1993, meeting was made in error; that the Board had in fact taken an unnecessary vote after its review of SEQR Part 1; and that it had been the intent of the Board at that time to

accept the application for consideration, not to approve the application. Jim Presley seconded the motion. All members voted "Aye."

Old Business

Master Application and Sign Regulations -- Attorney Flynn stated that he had not received copies of these drafts and therefore he had not researched the use of the term "zoning permit" on the master application, or the legality of restricting the content of community signs. He agreed to follow up on these points as soon as he received the drafts.

Land Use Study -- Chairman Venema reported that he had spoken with Village Planning Board Chairman Al Clarke regarding a presentation, but had not yet spoken with Jack Benjamin at Three Rivers. He agreed to contact Mr. Benjamin prior to the next Planning Board meeting.

New Business

Vintners International -- The Board conducted its preliminary review of the subdivision application of Vintners International. Randy Robinson noted that the application was still incomplete, lacking a copy of the deed and a copy of the wastewater agreement. He pointed out that the Board had requested these documents at a prior conference with Jim Gifford. Attorney Flynn mentioned that the Board had also discussed the requirement of an engineered system as a back-up for wastewater treatment. Randy Robinson explained that the Board had discussed this point with Steve Catherman and referred him to the new wastewater law approved by the Town, however, the Board had decided to waive this requirement for purposes of subdivision only, upon receipt of a copy of the 5 year wastewater agreement with Vintners. It was noted that the survey map submitted with the application indicated only the parcel to be sold by Vintners, not the entire parcel to be subdivided. Chairman Venema agreed to notify Mark Lewis in writing of the missing items, with a copy of the letter to go to Jim Gifford, and to notify Mr. Lewis that the Board cannot consider the application further until these documents are received.

Randy Robinson mentioned the existence of liens on this property and asked how the Planning Board could determine whether Vintners had obtained the proper releases from the lienholders authorizing the conveyance of the property. Attorney Flynn stated that once the Planning Board receives proof of ownership, i.e., title documents, they can then request that Vintners provide lien release information. If Vintners decline to do so, Attorney Flynn explained that a judgement lien search could be made and the lienholders themselves contacted.

Returning to old business, Randy Robinson reported that he had received a written response from the DEC regarding the proposed timber regulations. He characterized the response as predominantly negative. Regarding the protection of landowners from suspect logging operations, Mr. Robinson stated that the DEC has taken a "let the buyer beware" position. Regarding road damage, Mr. Robinson explained that the DEC felt that this problem should be addressed by other means, not through timber legislation. Mr.

Robinson felt that, although there are positive and negative points to the regulation of timberlands, any legislation adopted by the Town would be suspect without the support of the DEC. Jim Presley concurred. After a brief discussion, the secretary was directed to provide copies of the DEC response to the Board members and Attorney Flynn for further review. Randy Robinson suggested that instead of enacting a new law, an effort should be made to better publicize the assistance available from the state forestry service.

The Board was addressed by Erwin Robinson. He stated that the Town Board had allocated funds to bring in a professional planner for a presentation and asked whether arrangements had been made to do so. He felt that, from a public relations standpoint, the Planning Board should proceed with its review of and revisions to the current planning and zoning laws, and the permit applications, as soon as possible. Having recently filed an application for an excavation permit, Mr. Robinson felt that the process is unnecessarily complicated for the average citizen. Chairman Venema advised Mr. Robinson that the new master application is nearly completed. Regarding the presentation, Chairman Venema explained that Robert Magee, who was not present at the current meeting, had agreed to pursue this with Anton Nelessen. Randy Robinson agreed to check with Mr. Magee regarding his progress on this matter.

The Board agreed to hold a special meeting on June 16th in order to discuss the Site Plan Review of Herman LaPierre. The Chairman requested that the secretary provide the Planning Board members with copies of the ZBA's findings from the public hearing on the LaPierre Special Use Permit.

As there was no further business before the Board, Mardo Doherty made a motion to adjourn the meeting at 8:55 P.M.E.D.T. Jim Presley seconded the motion. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
MAY 5, 1993

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

PUBLIC PRESENT: L. Paul Wood

Chairman Venema opened the Regular Meeting at 7:14 P.M.E.D.T. Mardo Doherty made a motion to approve the minutes of the April 7, 1993, meeting, and the minutes of the continuation of that meeting held on April 14, 1993, as submitted. Robert Magee seconded the motion. The motion carried, all members voting "aye."

Old Business

Samuel H. Presley Minor Subdivision -- The Chairman informed the Board that he had received the corrected survey map. The survey indicated two parcels, one 28.49 acres, the other 14.97 acres. All other submissions were found to be in order. The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, and completed Part 2. 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
Randy Robinson -- Aye
Chairman Venema -- Aye

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

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

Land Use Study -- Chairman Venema reported that the Town Board had passed a resolution requesting that Senator Kuhl secure the financing for the study. On March 10, 1993, a letter was sent from the office of the Town Clerk to Senator Kuhl's office, however, upon checking into this, Chairman Venema discovered that Senator Kuhl's office had no record of having received this letter. The Chairman stated that he then took copies of the letter to Senator Kuhl's office. He also checked with the Three Rivers office and found that they had not received notification until April 23. Robert Magee inquired as to the next step in the process. Attorney Flynn stated that it was his understanding that a grant application would be filed

regulate them. He pointed out that the state requires that any business advertised on a community sign along a state highway be located within 5 miles of that sign, and asked whether it would be legal to restrict community signs along town and county roads to businesses located within the Town of Urbana. Attorney Flynn stated that he would check into this. He pointed out, however, that commercial advertising is not permitted on municipally owned property, therefore, these community signs must be located on private lands.

It was the consensus of the Board that provisions should be made to permit community signs. Robert Magee stated that he would add a section dealing with community signs to the current draft of the proposed sign law, using the state regulations and specifications as a guide. The draft would then be brought before the Planning Board for review by all members and Attorney Flynn.

Timber Regulations -- Randy Robinson stated that he had taken a draft of the proposed regulations to Stan Martin at the DEC and that it was currently being circulated among the foresters for their review. Although their written comments had not yet been received, Mr. Robinson reported that Mr. Martin's initial feelings had been that the current proposal is too restrictive, considering that the management of any woodlot is primarily determined by its intended use. He also felt that the proposal is too restrictive with regard to firewood. Mr. Martin had stated that someone from the DEC office would be willing to attend a Planning Board work session if asked to do so. Randy Robinson suggested that a work session be scheduled upon receiving the DEC's written comments. Robert Magee suggested that in addition to the DEC representative, input from a private forester and a logger would also be valuable.

New Business

Advisory Opinion, ZBA -- Chairman Venema reported that the ZBA will hold a public hearing on the Special Use Permit Application of Herman LaPierre on May 27, 1993. Upon reviewing the matter, the Planning Board elected not to submit an opinion to the ZBA.

Town Barn -- Chairman Venema reported that he had spoken with engineer Chuck Franzese and site plan developer Mike O'Kamien at the May 3 public meeting and that they had expressed their willingness to meet with the Planning Board. A question arose as to whether the Town Board is required to file applications with the Planning Board for building permits, site plan review, etc. Attorney Flynn stated that the only requirement from which the Town is exempt is the excavation permit. CEO Oliver concurred. Attorney Flynn also pointed out that until the proposition is approved by public referendum, any application would be premature.

As there was no further business before the Board, Mardo Doherty made a motion to adjourn at 9:04 P.M.E.D.T. Robert Magee seconded the motion. All members voted "Aye."

Approved


William Venema

jointly by the Town and the Village and that Three Rivers would act strictly as an administrative funnel. Attorney Flynn stated that Three Rivers should therefore be under contract and that both municipalities should contribute to the drafting of said contract. Attorney Flynn suggested that the Planning Board contact Jack Benjamin at Three Rivers and ask him to outline in writing any actions required on the part of the Board. Chairman Venema asked whether the Board should initiate efforts to bring Mr. Nellison in for his presentation. Attorney Flynn stated that in his opinion, any planner would be reluctant to make a commitment until such time as the grant is officially announced. Chairman Venema pointed out that the Town and the Village have already agreed to share the cost of the presentation, and suggested that eventually, these costs might be reimbursed from the grant funds. Robert Magee proposed that Mr. Nellison be engaged to make his presentation, with the understanding that the expenses will be deducted from his final costs, should he eventually be awarded the project. Mr. Magee stated that unless some action is taken to begin the project, community interest will decline and it will be set aside. Chairman Venema agreed to contact Jack Benjamin and find out how best to proceed.

Master Application -- Robert Magee reported that he had made the changes discussed at the April 21 work session and would now draft a set of instructions designed to accompany the application form. One question had yet to be settled, namely the use of the term "zoning permit." Mr. Magee explained that upon examining the zoning permit application form, he found it to be essentially the same as the application for a building permit. He asked whether a zoning permit serves any actual purpose. Attorney Flynn stated that he had never seen a zoning permit per se, only the application form. He agreed to research this matter. It was decided to leave the term "zoning permit" on the master application form for the present time. It was also determined that the application should state that certificates of occupancy are to be issued by the Code Enforcement Officer, rather than the building inspector. Robert Magee asked whether the Master Application is subject to review or approval by the Town Board. Attorney Flynn explained that as long as there is nothing in the application which contradicts State Town Law, Local Town Law or the Subdivision Law, no such action is required. Robert Magee agreed to make the final revisions and send a copy to Attorney Flynn for his review.

Sign Regulations -- Robert Magee stated that the last major issue to be addressed is that of community signs. He had received information from the state outlining their regulations and specifications for community signs. He explained that the Town has no authority over signs placed along state highways, and that anyone wishing to apply for such a sign should be referred to the DOT. He added that in his discussion with an official from the DOT, it had been made clear that the state will not permit a community sign to be placed at the intersection of Routes 54 & 54A. Other proposed locations would be strictly regulated. Mr. Magee reviewed some of these restrictions with the Board.

Mr. Magee pointed out that under the proposed sign regulations, off-premise signs will not be permitted in the Town of Urbana. In light of this, he stated that the Board may wish to encourage the use of community signs as an alternative, and develop a procedure to

TOWN OF URBANA PLANNING MEETING
APRIL 14, 1993

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

PUBLIC Mark Lewis
PRESENT: Erwin Robinson

Chairman Venema reconvened the the Regular Meeting at 7:00 P.M.E.D.T. In connection with the proposed Olde Germania project, discussed on April 7, Mark Lewis, a representative of Vintners International, was present to inquire about subdivision procedures. The Board advised Mr. Lewis of the requirements and procedures involved with a minor subdivision.

Chairman Venema reported that a Notification of Inquiry/Complaint had been filed by Robert Bailey regarding Karl Hadley's junkyard. Mr. Bailey reported that proper fencing, as described in the terms of Mr. Hadley permit, was not in place. The Chairman advised the Board members that renewal of Mr. Hadley's permit would be on the agenda of the next Town Board meeting and that this complaint would be part of the facts presented to the Town Board for consideration at that time.

The Board then turned to the Major Subdivision Application of Barbara Wendlant. Action on this application had been tabled on April 7. Upon review of the survey map, it was noted that the proposed subdivision would meet area and frontage requirements. Based upon information provided in the application, and upon conversations with Mrs. Wendlant, Robert Magee stated that in his opinion, the requirements applicable to major subdivisions should be waived in this case, as the purpose of the subdivision is to settle the Wendlant estate and disperse property amongst the heirs. Mr. Magee made a motion to waive the requirements of a major subdivision and to require that the applicant file a written notice of intent, stating that the granting of this subdivision will not result in property development, the sole purpose of the subdivision being to effect the dispersal of property amongst the heirs of the estate. Mardo Doherty seconded this motion. Motion carried, all members voting "Aye."

All submissions being in order, the Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, and completed Part 2. 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
Randy Robinson -- Aye

Chairman Venema -- Aye

Consistent with the foregoing procedures, Robert Magee made a motion to approve the Wendlant Major Subdivision Application, contingent upon receipt of the aforementioned notice of intent, and at such time, instruct the Chairman to sign the survey. Mardo Doherty seconded this motion. Roll call vote was taken:

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

The Board then turned to the Minor Subdivision Application of Samuel H. Presley. It had been noted at the April 7 Public Hearing that the survey map was inconsistent with the application and should be corrected prior to final approval. As the corrected survey had not yet been received, the Board postponed action on this application until its next meeting.

The Board then turned to the Minor Subdivision Application of Steven Sokolowski. All submissions were found to be in order. The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, and completed Part 2. 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:

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

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

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

Randy Robinson requested that for future applications, three original survey maps be submitted.

Robert Magee brought before the Board draft copies of the proposed Master Application for the Town of Urbana. The Board members agreed to review the application form and discuss it at the next regular meeting. It was noted that input from building inspector George Appleton and watershed inspector Terry DeBuck would be desirable in designing this application. Randy Robinson made a motion to formally (in writing) invite both Mr. Appleton and Mr. DeBuck to the next regular Planning Board meeting. Robert Magee seconded this motion. All members voted "Aye." Chairman Venema agreed to draft the invitation.

The Board then discussed the presentation given by Jim Gifford and Frank Mazza on April 7, regarding the proposed Olde Germania Wine Cellars, Inc. The Board drafted a list of required submissions relative to both the site plan review and the minor subdivision application. In addition to the standard submissions, it was agreed that a copy of the agreement with Taylors, confirming access to Taylors wastewater system, shall be required. It was the consensus of the Board that, given the current status of the Taylor company, the possibility of future closure clearly exists. Therefore, the Board determined that an engineered contingency plan for wastewater disposal shall also be required. Copies of applications to the proper state and federal liquor authorities were also deemed necessary to the site plan review.

It was the consensus of the Board that other business currently pending, including review of proposed sign and timber regulations, be addressed at a work session to be held April 21, 1993 at 7:00 P.M.E.D.T. On a motion by Mardo Doherty, seconded by Robert Magee, carried, all voting "Aye", it was resolved to adjourn the regular meeting at 10:15 P.M.E.D.T.

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
APRIL 7, 1993

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

PUBLIC Mike Doyle
PRESENT: L. Paul Wood

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Samuel H. Presley at 7:10 P.M.E.D.T. Affidavit of Publication is on file. Mr. Presley was not present. The Board examined the survey map and determined that area and frontage requirements had been met. Mike Doyle, a neighboring property owner, asked whether the property had been previously subdivided, since the survey map indicated the existence of a separate two-acre parcel at the corner of the property. Randy Robinson replied that during the preliminary review of this subdivision, Jim Presley had explained that at the time the survey was drawn, the applicant was considering subdividing the property into three lots. Eventually, however, the applicant had decided to divide the property into only two parcels. Chairman Venema explained that this two acres is to be included as part of lot #2. Attorney Flynn inquired as to the dimensions of the two resulting lots. Chairman Venema replied that the application described lot #1 as 14.979 acres, lot #2 as 26.393 acres. Mr. Doyle asked whether including the two-acre parcel as part of lot #2 would make the actual dimensions of that lot 28.393 acres. Upon further examination, it was determined that the survey map did not accurately correspond with the subdivision requested in the application, and that the map must be corrected before filing. Chairman Venema asked Mr. Doyle if he had any objections to the proposed subdivision, to which Mr. Doyle answered negatively. As there were no further comments or questions regarding this matter, the public hearing was closed at 7:30 P.M.E.D.T.

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Steven Sokolowski at 7:30 P.M.E.D.T. Affidavit of Publication is on file. Mr. Sokolowski was not present. The Chairman explained that the applicant has requested subdivision of approximately 39.9 acres into two lots of approximately 22.1 and 17.8 acres. It was determined that the proposed subdivision would meet frontage and area requirements. All submissions were found to be in order. As there were no further questions or comments on this matter, the public hearing was closed at 7:33 P.M.E.D.T.

Chairman opened the Regular Meeting at 7:35 P.M.E.D.T. Robert Magee made a motion to approve the minutes of the March 3, 1993, meeting as submitted. Randy Robinson seconded the motion. The motion carried, all members voting "aye."

The Board then conducted its preliminary review of the subdivision application of Barbara Wendlant. Upon examination of the

survey map, it was noted that 5 lots were proposed, causing the subdivision to be classified as major. Upon review of the procedures for major subdivision (Town of Urbana Code 93-7 A.), Attorney Flynn noted that the applicant should be present to discuss the preliminary plat with the Board. Robert Magee pointed out that the purpose of the subdivision, as stated in the application, is to convey property to family members. After a brief discussion, it was the decision of the Board to table this matter until such time as Mrs. Wendlant could be present.

The Board then held a concept review with Jim Gifford and Frank Mazza regarding the proposed Olde Germania Wine Cellars, Inc. Mr. Gifford reported that he had met with Code Enforcement Officer David Oliver at the project site and that Mr. Mazza and Mr. Oliver had discussed plans for excavation, parking, and the construction of a proposed observation deck. Regarding property ownership, Mr. Gifford stated that the land deal with Vintners should close within the next two or three weeks. He explained that a down payment had been made, with payments to continue over a 5-year period, as with a mortgage, Vintners being the holder of said mortgage. Mr. Gifford explained that the current application involved conversion of the existing building into a winery; earlier plans to include a restaurant had been put aside for now. Mr. Gifford presented the Board with general construction notes and sketches indicating areas to be filled and/or excavated, as well as plans relating to the parking areas, the observation deck, and proposed signage, which the Board examined.

Randy Robinson asked if at some point, a map detailing patterns of surface water runoff would be available to the Board. Mr. Mazza stated that the project would not affect current drainage in any way, and that the currently existing diversion ditches would not be disturbed. He explained that in an effort to avoid drainage problems, as well as to retain as much of the historical character of the site as possible, the area intended for parking would remain unpaved. Mr. Gifford added that he had contacted Town Historian Richard Sherer regarding an application to the National Historic Registry.

Randy Robinson inquired as to the principal ownership of the business. Mr. Gifford stated that he himself would be president and principal stock holder, with Mr. Mazza's brother to be vice president and second largest stock holder. Mr. Gifford stated that he would be soliciting for the sale of stock within the next few weeks and had 25-30 investors lined up.

The Board discussed plans for wastewater disposal. Mr. Gifford stated that Olde Germania would be tied into Taylor's disposal system, this arrangement being outlined in a 5-year renewable agreement. Chairman Venema pointed out that alternative plans should also be made, in the event that Taylor is shut down prior to that time. Mr. Gifford felt that there would be adequate room for installation of a separate septic system on the property, should that become necessary.

Randy Robinson asked that Mr. Gifford describe the scope of operations at the proposed winery. Mr. Gifford explained that he has applied for a winery license from the NYS Liquor Authority, as well as to the Federal Bureau of Alcohol, Tobacco and Firearms. Pending

receipt of these licenses, Mr. Gifford stated that he plans to buy wine for bottling under the Olde Germania label. He hoped to have a retail business open by July 1 of this year. The next step, Mr. Gifford explained, would be to purchase pressing and aging equipment so that wine could be made on site. Robert Magee advised the applicants that a written statement detailing the history of the project and future projections for the proposed business should be submitted as part of the application.

Attorney Flynn inquired as to whether a survey had been done. Mr. Gifford replied that the survey crew had begun work the previous day and that a copy of the map would be submitted upon completion. Attorney Flynn advised the Board and the applicants that Vintners should proceed with an application for subdivision at this time.

Upon the arrival of CEO Oliver, the Board discussed further the proposed excavation, parking, traffic flow, and specific construction plans. Randy Robinson stated that, considering the scope of the excavation and the proximity to the road, he could not vote on this project without an engineer's report confirming the feasibility of the project. The applicants agreed to follow up on this point, and inquired as to what other submissions the Board would eventually require. The applicants were advised that certain signage would require a variance as currently proposed, as would the observation deck, and that any variance necessitates an application to the ZBA and a public hearing. The applicants were advised that the subdivision would also require a public hearing. The Board members agreed to compile a list which would outline all of the site plan review requirements.

As the hour had grown late, it was the consensus of the Board members that the meeting be continued at a later date. The meeting was recessed at 10:15 P.M.E.D.T., to reconvene April 14, 1993, at 7:00 P.M.E.D.T.

Approved


William Venema

TOWN OF URBANA PLANNING MEETING
MARCH 3, 1993

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

PUBLIC Herman LaPierre
PRESENT: L. Paul Wood
Erwin Robinson

Chairman Venema opened the Regular Meeting at 7:05 P.M.E.S.T. Jim Presley made a motion to approve the minutes of the February 3, 1993, meeting as submitted. Randy Robinson seconded the motion. The motion carried, all members voting "aye."

Old Business

The Board discussed the Minor Subdivision application of Thomas Millard. This matter had previously been the subject of a Public Hearing (February 3, 1993), however, the Board had tabled the matter pending submission of the SEQR form and an updated survey map. Mr. Millard's original plans entailed selling a 2-acre parcel located on the corner of his property. Chairman Venema explained that he had since received an updated survey, which indicated that a 5-acre parcel is to be cut off and sold, leaving Mr. Millard with approximately 6 acres. Upon examination of the revised survey map, the Board determined that area and frontage requirements had been met. Jim Presley pointed out that there had been a neighbor present at the public hearing, Mr. Brian Ketchum, and asked whether Mr. Ketchum should be made aware of this change. Chairman Venema pointed out that Mr. Ketchum had been concerned primarily with future plans for the parcel to be retained by Mr. Millard, and that nothing had changed in that regard.

The Board then reviewed the SEQR Full Environmental Assessment Form, Part 1, as completed by the applicant, 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 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 Robert Magee. Roll call vote was taken:

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

Randy Robinson inquired as to the need for another public hearing prior to final approval of the subdivision, since the line of subdivision differed from that discussed on February 3. Robert Magee

pointed out that, as the matter had been tabled at the previous hearing, with no conditional approvals given, nor contingencies outlined, the present meeting constitutes a continuation of that same hearing. Chairman Venema pointed out that the purpose of the subdivision, Mr. Millard's wish to sell part of his property, had been made known at the February 3 meeting, and that the change was merely a result of negotiations with the potential buyer. In addition, the Chairman pointed out that frontage now exists on both roads, a situation preferable to the previous proposal, and that the proposed subdivision complies with all requirements.

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

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

The Board then discussed the building permit application of Richard Yartym. At its February 3, 1993, meeting, the Board had directed CEO David Oliver to sign off on Mr. Yartym's application to construct a storage garage, upon confirmation of setback distances. The Chairman explained, however, that the permit application had been subsequently rejected by the building inspector, George Appleton. Chairman Venema stated that apparently, Mr. Yartym had mentioned the possibility of using part of the building as living space at some time in the future. As a result, Mr. Appleton had denied the permit because the building plans did not comply with codes applicable to residential units. After a brief discussion, it was the consensus of the Board that Mr. Yartym should be permitted to build a storage garage at this time, and that any future plans for the building should not affect the present application. Chairman Venema stated that he would contact Mr. Appleton to discuss this matter. Randy Robinson mentioned that he had not yet met Mr. Appleton, and felt that the Planning Board and the building inspector should communicate more regularly. The Chairman agreed, and stated that he would invite Mr. Appleton to the next Planning Board meeting.

The Board members agreed that more time was required to review the latest working copy of the proposed sign regulations prior to group discussion. Possible methods of tagging signs for identification were discussed. Jim Presley offered to bring in a catalog which would illustrate various types of tags.

New Business

The Board then heard a preliminary proposal given by Mr. Herman LaPierre. Mr. LaPierre explained that he currently operates the EasyPlus convenience store located on West Morris Street in Bath, and that he is looking for a second location. He stated that he is considering a lot located on Route 54, north of the Pleasant Valley Inn, adjoining property owned by Dr. Basa. Robert Magee asked whether gasoline would be sold. Mr. LaPierre replied that he is planning to have two 6-hose dispensers, covered by a canopy. Randy Robinson asked whether Mr. La Pierre had information regarding the number of cars in and out of the Bath store on a daily basis, or

projections of traffic flow for the proposed location on Route 54. Mr. La Pierre stated that, according to the state handbook, approximately 6900 cars per day pass by the Route 54 location; approximately 5000 pass the Bath location. He went on to say that in Bath, much of the traffic involves the same people going back and forth within the village, however, along Route 54, there would be people commuting to work (Phillips, Taylor, etc.), the hospital, and in the summer, Keuka Lake.

Jim Presley inquired about the availability of parking. Mr. LaPierre explained that according to his understanding of the Urbana Code, only 7 spaces would be required, however, his site plan provided 11 spaces. Robert Magee asked about the type of food preparation which would take place in the store and whether there would be customer seating provided. Mr. LaPierre answered that all foods are prepared fresh, except for salads and chili which are made ahead of time. He explained that there would be seating for 16 persons. Mr. Magee asked whether floor plans had been drawn. Mr. La Pierre explained that the plans for the new store had not yet been completed, however, he had brought along the floor plans of the Bath store. The Board reviewed these drawings. Mr. LaPierre also described a few changes and expansions which would be made in the design of the new store.

The Board then reviewed the proposed layout of the lot, i.e., the location of the store in relation to the to the location of the gas island, parking and delivery areas, pedestrian access, flow of traffic through the lot, etc. Randy Robinson asked about proposed landscaping. Mr. LaPierre stated that he would prefer not to have any plantings between the front of the store and the highway, as this would reduce visibility to the store. He had considered planting trees towards one side of the property, but stated that their specific location would depend on the layout of the septic system. Mr. LaPierre indicated that he would be open to suggestions regarding landscaping the areas alongside and behind the store. It was noted that as the lot size is approximately 1.25 acres, and the location is in an area zoned agricultural, the project would have to receive approval from the ZBA.

Mr. LaPierre presented photographs of his Bath location to the Board, which indicated the general outward appearance of the structure. Randy Robinson asked whether the sign to be used would be illuminated, to which Mr. LaPierre answered affirmatively. Robert Magee inquired as to the proposed hours of operation. Mr. LaPierre indicated that the store would be open from 6 a.m. until 11 p.m. Robert Magee asked about the width of the entrance. Mr. LaPierre stated that he would prefer the entrance to be wider than the 24' indicated on his present sketches. Mr. Magee felt that this would be possible. From his contact with a state official, it was Mr. Magee's recollection that the maximum allowable width is 32'. Jim Presley asked about the proposed timetable for the project. Mr. LaPierre stated that this would depend upon the turn-around time involved in receiving approvals from the various boards. Robert Magee inquired as to the number of employees on a shift, to which Mr. LaPierre answered 3-4 during the summer, 2 during the winter. Randy Robinson asked whether Mr. LaPierre currently owns the lot. Mr. LaPierre said that he does not; his purchase offer is contingent upon approvals for the project.

After further discussion and review of the plans currently available, the Board advised Mr. LaPierre that, due to the scope of the proposed project, a formal site plan review would be necessary. He was also advised that his next step would be to make a formal application to the Zoning Board of Appeals for a Special Use Permit. The Board provided Mr. LaPierre with the proper application forms. CEO Oliver suggested that when drawing up the final floor plans, Mr. LaPierre keep in mind that one parking space will be required for every 50 square feet of customer floor space.

On a motion by Jim Presley, seconded by Robert Magee, carried, all voting "Aye," it was resolved to require a formal site plan review of the proposal presented by Mr. LaPierre. Mr. Presley suggested that the site plan review and the ZBA hearing could be held concurrently to expedite matters for the applicant. It was decided that the proposal should be sent to Attorney Flynn for his review and recommendations. The Board agreed to review the plans individually and then hold a work session to discuss topics pertinent to the site plan review.

The Board then conducted its review of the preliminary subdivision application of Samuel H. Presley. Upon examination of the survey map, it was determined that the proposed subdivision would comply with area and frontage requirements. The application was found to be in order with the exception of the SEQR form. Jim Presley stated that he would advise the applicant of this requirement. The Board determined that the Presley application could be scheduled for a Public Hearing, tentatively set for April 7, 1993.

The Board discussed the outcome of the ZBA hearing regarding the Special Use Permit application of Robert Hooper. Chairman Venema and CEO Oliver, who were present at that hearing, expressed concerns that the parking situation had still not been adequately resolved. However, as the ZBA had approved the permit contingent upon DOT review of the parking plan, it was the decision of the Planning Board to await the decision of the DOT before considering any further action.

The Board postponed its discussion of a proposed timber harvesting regulation until its next work session.

As there was no further business before the Board, Randy Robinson made a motion to adjourn the meeting at 10:07 P.M.E.S.T. Jim Presley seconded the motion. All members voted "Aye."

Approved



William Venema

TOWN OF URBANA PLANNING MEETING
FEBRUARY 3, 1993

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

PUBLIC PRESENT: Robert D. and Lurayne Miller
Brian Ketchum
L. Paul Wood
Frances Pierce
Richard Yartym

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Thomas Millard at 7:04 P.M.E.S.T. Affidavit of Publication is on file. Mr. Millard was not present. Upon examination of the survey map, the Board noted that it did not indicate the proposed line of subdivision. The Chairman explained that Mr. Millard wishes to cut off and sell a 2-acre parcel located on the corner of the property, currently containing a house, and retain the remaining property, approximately 8.6 acres. Brian Ketchum, a neighboring property owner, asked if the Board was aware of any plans regarding the parcel to be retained by Mr. Millard, e.g., future subdivision or building plans. The Board advised Mr. Ketchum that at present, no additional permit applications had been submitted, and that any future subdivision would have to meet area and frontage requirements, and would be subject to the same approval process, including a public hearing. Mr. Ketchum stated that he had no objections to the current application. Robert Magee noted that a SEQR form had not been submitted. Jim Presley pointed that the application did mention the possibility of building a home on the 8.6 acre parcel at some time in the future. He explained to Mr. Ketchum that in addition to frontage and area requirements, any building plans would be subject to setback and septic requirements. As there were no further comments or questions regarding this matter, the Public Hearing was closed at 7:16 P.M.E.S.T.

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Barry & Irene Cox at 7:16 P.M.E.S.T. Affidavit of Publication is on file. Mr. and Mrs. Cox were not present. The Chairman explained that this application involves the subdivision of a parcel of approximately .9 acres. The smaller of the resulting two parcels would be annexed to the adjacent Miller property. Robert Miller informed the Board that negotiations regarding the annexation have been temporarily stalled. The Chairman explained that the proposed Cox subdivision could be approved only in the event of annexation, as the smaller of the two parcels would not meet the area requirements necessary for a separate lot. Mr. Miller stated that he understood this point. Upon examination of the survey map, the Board noted that it did not indicate the proposed line of subdivision. In addition, the application did not include copies of paid tax receipts. As there were no further comments or questions

regarding this matter, the Public Hearing was closed at 7:21 P.M.E.S.T.

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Robert D. and Lurayne Miller at 7:21 P.M.E.S.T. Affidavit of Publication is on file. Mr. and Mrs. Miller were present to answer questions. Mrs. Miller explained that, regardless of the annexation of the Cox property, she and her husband wished to proceed with their subdivision application. The Board determined that the Miller subdivision would meet the area requirements with or without the additional property. Randy Robinson pointed out that the survey map provided with the current application indicated the annexed portion, and that this map would have to be revised prior to filing, should the annexation fall through. In addition, the Millers were advised that copies of paid tax receipts would have to be submitted prior to final approval. The Millers agreed to provide these, as well as a copy of the final survey as soon as the annexation situation is resolved. All other submissions were found to be in order. As there were no further comments or questions regarding this matter, the Public Hearing was closed at 7:31 P.M.E.S.T.

Chairman Venema opened the Public Hearing for the Minor Subdivision Application of Irene Szabo at 7:31 P.M.E.S.T. Affidavit of Publication is on file. Ms. Szabo was present to answer questions. Chairman Venema pointed out that the tax receipts submitted with the application indicated payment on only 7 acres, not the entire parcel. Ms. Szabo stated that she had brought this to the attention of Assessor Luther Perkins, and that the situation had been corrected as of January. Upon examination of the survey map, it was determined that the proposed subdivision would meet area and frontage requirements. All submissions were found to be in order with the exception of the SEQR form. Ms. Szabo was provided with a form to complete. As there were no further comments or questions regarding this matter, the Public Hearing was closed at 7:47 P.M.E.S.T.

Chairman Venema opened the Regular Meeting at 7:47 P.M.E.S.T. Jim Presley made a motion to approve the minutes of the January 6, 1993, meeting as submitted. Randy Robinson seconded the motion. The motion carried, all members voting "aye."

Regarding the application of Barry and Irene Cox, the Board determined that the subdivision could be approved, pending annexation of the smaller parcel to the Miller property. Should the sale not go through, Mr. and Mrs. Cox would simply withdraw their application. 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 Cox Minor Subdivision Application, and to instruct the Chairman to sign the survey, contingent upon the following: submission of paid tax receipts; submission of an updated survey map indicating the line of subdivision; annexation of the smaller parcel to the adjacent property owned by Robert Miller. 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

Turning to the Miller application, 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 Randy Robinson. 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 Miller Minor Subdivision Application, and to instruct the Chairman to sign the survey, contingent upon the following: submission of paid tax receipts; submission of an updated survey map indicating the line of subdivision. 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

The Board tabled action on the Millard application pending submission of the SEQR form and an updated survey map. Chairman Venema agreed to notify the applicant of these requirements.

Turning to the Szabo application, 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 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 Robert Magee. 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, Mardo Doherty made a motion to approve the Szabo Minor Subdivision Application, and to instruct the Chairman to sign the survey. Robert Magee seconded this motion. Roll call vote was taken:

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

Old Business

Sign Regulations -- The secretary was asked to type up an initial draft of the sign regulations proposed by the Board members at the January work sessions. This draft would be reviewed by the Board at their next meeting.

New Business -- Matters to go before the ZBA

Robert Hooper, Special Use Permit -- Chairman Venema pointed out that the map of the proposed parking lot indicated spaces for 30 cars, however, there would be no access to the back row once the front row was occupied. In addition, the map did not indicate the general pattern of traffic flow through the lot, or make any provisions for tractor trailer parking. CEO David Oliver presented the Board with photographs of the site and stated that he also had a concern regarding fire access, as the building would be closely surrounded according to the drawings submitted. CEO Oliver also recommended that the points of ingress and egress should be specifically delineated, with the rest of the road frontage to be curbed or subjected to some other barrier, and an area blocked off and reserved for truck parking. Jim Presley pointed out that the map provides for more automobile parking than the code requires for a restaurant of this size, and suggested that one row could be removed to provide a fire lane. Robert Magee pointed out that aside from truck parking, the rest of the submissions comply with Town of Urbana code, and wondered whether the issue of truck parking might be a matter for the DOT. On the other hand, Mr. Magee continued, he felt that the Board should not ignore a problem that they know exists. CEO Oliver stated that it may be difficult to obtain any assistance from the DOT, and that he has received complaints about the traffic hazards created by the trucks. Mardo Doherty suggested that the Board come up with some possible solutions to offer Mr. Hooper, so that the situation could be resolved. Randy Robinson agreed, but suggested that the discussion be temporarily tabled in order to hear Mr. Richard Yartym, who was present and wished to address the Board.

Chairman Venema explained that Mr. Yartym's March 1989 subdivision application had been approved, contingent upon the removal of junk from the property. The clean-up had not been

accomplished to date. Mr. Yartym had now applied for a building permit to construct a garage. He felt that the garage would facilitate the clean-up by providing storage space for cars and other equipment. CEO Oliver stated that he had returned the application because the site plan indicated a setback of 21' from the road, instead of the required 35'. Mr. Yartym explained that he had measured to the right-of-way, not to the edge of the travelled highway, and stated that the distance to the edge of the road would be approximately 40'. After reviewing the application, the Board had no objections to the building plans and directed CEO Oliver to authorize the building permit upon confirmation of the setback distance. Mr. Yartym was advised that his subdivision would not be finalized until such time as the junk is removed from his property.

Returning to the Hooper application, the Board held further discussions concerning the parking lot plan and concluded that the following revisions should be made to the plan prior to the ZBA hearing: 1) Areas of ingress and egress measuring 35' in width to be clearly delineated; 2) The balance of the frontage to be curbed or subjected to some other barrier; 3) Access to the back row of parking to be provided.

It was the decision of the Board to submit a favorable opinion to the ZBA if these revisions were made. Robert Magee and Chairman Venema agreed to meet with Mr. Hooper's representative, Mr. Steven Jones, prior to the ZBA hearing in order to explain these revisions.

Terry Peacock, Special Use Permit -- The Board reviewed the application of Terry Peacock and, having no objections, elected not to submit an opinion to the ZBA.

Charles Culbertson, Variance -- The Board reviewed the application of Charles Culbertson and, having no objections, elected not to submit an opinion to the ZBA.

Peter M. Kopilchak, Special Use Permit -- The Board reviewed the application of Peter M. Kopilchak to operate a used car lot on his property. It was the opinion of the Board that this type of operation should be subject to certain parameters and that the matter required further review. The matter was tabled until the next work session, to be held on February 17.

Randy Robinson asked whether the letters of inquiry sent out to the professional planners had generated any response. Robert Magee reported that he had received a brochure, but that the information was vague. He stated that he was attempting to obtain a more specific response.

As there was no further business before the Board, Mardo Doherty made a motion to adjourn the meeting at 10:14 P.M.E.S.T. Jim Presley seconded the motion. All members voted "Aye."

Approved

William Venema
William Venema

TOWN OF URBANA PLANNING MEETING
JANUARY 6, 1993

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

PUBLIC Robert Miller
PRESENT:

Chairman Venema opened the Regular Meeting at 7:14 P.M.E.S.T. Robert Magee made a motion to approve the minutes of the December 2, 1992, meeting as submitted. Jim Presley seconded the motion. The motion carried, all voting "Aye." The Board reviewed the amendments made to the minutes of November 18, 1992. Robert Magee made a motion to approve these minutes as amended. Jim Presley seconded the motion. The motion carried, all voting "Aye," except Mardo Doherty, who abstained.

Old Business

The Board conducted its review of the preliminary subdivision application of Robert D. and Lurayne Miller. Mr. Miller was present to answer questions. Mr. Miller presented a revised application to the Board along with a survey map. He explained that one parcel is to be retained by the current owner, his father, Robert M. Miller, and that the other parcel would be used as a building site for a new, year-round home for himself and his family. Mr. Miller also explained that he intends to purchase a portion of the adjoining Cox parcel, but that the purchase had not yet been completed. The Board determined that the proposed Miller subdivision would comply with area and frontage requirements, however, an application to subdivide the Cox parcel would have to be submitted and approved prior to approval of the Miller application. Mr. Miller explained that he had brought the preliminary application for the Cox subdivision with him, and presented to the Board for review. The Board determined that the Cox survey, completed in 1988, would have to be updated in order to indicate the new property line created by the sale of land to Mr. Miller. Mr. Miller was also advised that at some time prior to the public hearing, copies of paid tax receipts for the Cox property and a map indicating all property owners adjoining both the Miller and the Cox parcels would be required. Mr. Miller stated that he would submit these documents. The Board determined that both the Miller and the Cox applications were in order and could be scheduled for a Public Hearing at the Board's next Regular Meeting, February 3, 1993.

The Chairman advised the Board members that he had received a revised survey map from Irene Szabo, as per the Board's request. The Szabo application was scheduled for a Public Hearing on February 3, 1993.

The Board conducted its review of the preliminary subdivision application of Thomas Mallard. As no official survey map or SEQR form had been included in the application, the Board asked CEO David Oliver to inform the applicant of these requirements, and also to advise him of the 250' frontage requirement.

The Board then discussed the building permit and concept review applications submitted by Attorney Robert Plaskov for Carol L. Holobinko, M.D., et al., regarding the proposed construction of a medical facility along State Route 54, north of Ira Davenport Hospital. CEO Oliver commented that so far, the concept meets with code requirements for setback, etc., but that no formal survey had been done. He also pointed out that a special use permit would be required to operate this type of facility in the proposed location. Upon examination of the application, Randy Robinson expressed his concern about access from the highway, as the proposed driveway would be located on the crest of a hill. David Oliver commented that northbound traffic, heading downhill, would have to cross two lanes of oncoming traffic in order to enter the driveway. As no specific building plans had been included with application, and neither the applicants nor Mr. Plaskov was present, it was determined that the project could not be thoroughly assessed at the current meeting. The Board members asked that the Chairman invite the parties involved to attend the next Board meeting for an informal concept review.

Mardo Doherty inquired as to the status of the Hooper ("Pat's Place") matter. CEO Oliver reported that the required submissions were in order and the matter was being scheduled for a public hearing. He also reported on the following cases in progress:

Peacock -- A Special Use Permit application is nearly in order and will be ready for a public hearing in the near future.

Curtiss Museum Sign Permits -- The variance requested for the purpose of placing a sign in a residential district on the East Lake Road, was denied by the ZBA. The sign permit affecting property owned by the hospital along State Route 54 had been approved. A third application had been rejected, due to an outstanding violation affecting the property owner, Ray Kolo.

In another matter affecting the museum, CEO Oliver provided the Board members with copies of his correspondence with the museum regarding the removal of fill from their property. In his letters, he had advised them that the Army Corps of Engineers would have final jurisdiction in this matter, above the State DEC.

Sayers -- As no response had been received to his letter of November 12, 1992, CEO Oliver had sent Ms. Sayers a Final Notice - Order to Remedy Violation, on January 2, 1993.

Viviano -- As no response had been received to his letter of November 16, 1992, CEO Oliver had sent Ms. Viviano a Final Notice - Order to Remedy Violation, on January 2, 1993.

The Board then addressed the topic of transient retail merchants. Robert Magee reported that he had obtained information from General Code Publishers, which outlined various approaches to this problem. After a brief discussion, it was the consensus of the

Board that this type of activity should be permitted, however, it should be subject to some type of regulation. The Board members wished to review the materials obtained by Mr. Magee prior to making any specific recommendations.

The Chairman asked the Board members whether, in their opinion, the sale of real estate involving a split mortgage would necessitate a subdivision. Jim Presley pointed out that the bank could potentially foreclose on its portion of the property and resell it as a separate parcel, therefore, a subdivision application should be made. It was the consensus of the Board that such a transaction would involve two separate deeds and would necessitate a subdivision.

Robert Magee stated that he had drafted a letter to the two professional planners who gave presentations at the state conference, requesting specific fee information and suggesting possible meeting dates. The letter would be submitted to the Town and Village Boards for their review.

The Board agreed to hold a work session on January 13 to address sign regulations.

As there was no further business before the Board, Mardo Doherty made a motion to adjourn the meeting at 9:11 P.M.E.S.T. Jim Presley seconded the motion. All members voted "Aye."

Approved



William Venema