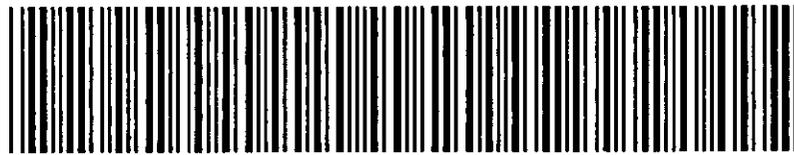


Planning Board



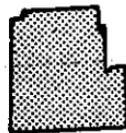
1994



Minutes are not
official until signed.
Please go thru book
& sign minutes.

Thank you.

TEL.: (607) 776-2161



Steuben County Planning Department

GREGORY P. HEFFNER
SENIOR PLANNER

G. L. Harder

21 E. MORRIS STREET
BATH, NY 14810

TOWN OF URBANA PLANNING BOARD MEETING
DECEMBER 7, 1994

PRESENT: Randy Robinson, Member
Paul Wood, Member
Bob Magee, Chairman
Marsha Towner, Recording Secretary

Chairman Bob Magee called to order the December 7, 1994 Planning Board meeting at 7:05pm. The first item of business was the approval of minutes from previous meetings.

Bob Magee made a motion that the minutes of the September 7, 1994 meeting be approved as submitted. Paul Wood seconded. Roll call vote was taken:

Robert Magee, "Aye"
Randy Robinson, "Aye"
Paul Wood, "Aye"

Bob Magee made a motion that the minutes of the September 21, 1994 and October 3, 1994 meetings be approved as submitted. Randy Robinson seconded the motion. Roll call vote was taken:

Robert Magee, "Aye"
Randy Robinson, "Aye"
Paul Wood, "Aye"

Bob Magee made a motion that the minutes of the November 2, 1994 meeting be approved as submitted. Randy Robinson seconded the motion. Roll call vote was taken:

Robert Magee, "Aye"
Randy Robinson, "Aye"
Paul Wood, "Aye"

The Board then began review of an application for a special use permit submitted by Mr. Hankson. This is an incomplete application that the board could not make a decision on or form an opinion due to the lack of information. This application is scheduled to go before the ZBA on January 12, 1995. Mr. Magee decided to leave a note for Bill Brooks requesting more information in this regard be made available to the Planning Board for their meeting of January 4, 1995.

Mr. Magee then discussed the formation of a special meeting to be held in January that would be widely publicized and invite anyone interested to come and discuss the Off Premise Sign Law. The OPD Sign Law would affect the entire community and their input would be taken into consideration before forming the law. It was decided that this meeting would be held on January 18, 1995.

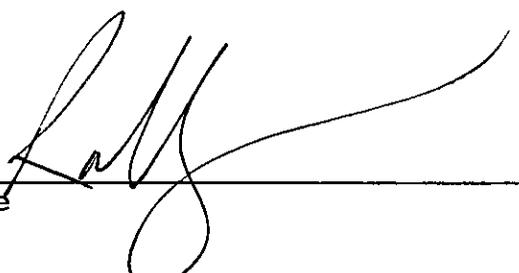
As there was no further business to discuss, Paul Wood

motioned to adjourn the meeting. Randy Robinson seconded the motion. Roll call vote was taken:

Robert Magee, "Aye"
Randy Robinson, "Aye"
Paul Wood, "Aye"

The meeting of December 7, 1994 was adjourned at 8:00pm.

Approved



Robert Magee

TOWN OF URBANA PLANNING BOARD MEETING
NOVEMBER 16, 1994

PRESENT: Randy Robinson, Member
Paul Wood, Member
James Presley, Member
Marcia Coon, Member
Robert Magee, Chairman
Marsha Towner, Secretary
Bill Brook, CEO

PUBLIC

PRESENT: Mr. & Mrs. Eldon Hough
Farnham Shaw
Jim Gifford
Dr. Al Wahlig

Chairman Robert Magee called the Public Hearing on the Hough sub-division to order at 7:08pm. Affidavit of publication is on file as are all other documents necessary for their application to be processed. The acreage requirement and road frontage requirements are met. Mr. Magee asked if there were any questions. As there were none, the public hearing was closed at 7:13pm.

The Public Hearing for SMS Partners was called to order at 7:13pm. Mr. Farnham Shaw was present to represent SMS partners. Mr. William Dabney is the applicant. Before purchasing property from SMS Partners, Mr. Dabney wants to be sure that the parcel he plans to purchase can be subdivided. His purchase of the property is contingent upon it's approval for sub-division. Affidavit of publication is on file as are all other documents necessary for the application to be processed. The parcel in question is serviced by a deeded right-of-way that came with the restrictions of no lot being less than 5 acres, and no mobile homes being allowed on the lots. Mr. Magee asked if there were any questions. Dr. Wahling questioned the right-of-way being used by more people. Mr. Magee explained that the right-of-way was originally granted to SMS who passes the right-of-way on to the new property owners. Discussion followed. It was determined that Dr. Wahlig's right-of-way was separate from the new subdivision right-of-way. Because Dr. Wahlig's property would not be affected, no objections were submitted. As there were no further questions, the Public Hearing was closed at 7:32pm.

Chairman Magee convened the regular meeting of the Planning Board at 7:33pm. The first order of business was to complete Mr. and Mrs. Hough's SEQR application part 2. After completion of the SEQR part 2, Jim Presley made the following motion:

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 on the environment. I, Jim Presley, make a motion that a Negative Declaration be prepared. Paul Wood seconded the motion.

Roll Call vote was taken:

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
Paul Wood,	"Aye"
Marcia Coon,	"Aye"

It is the determination of the Planning Board that the Minor Subdivision application of Mr. & Mrs. Hough meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. I, Jim Presley, make a motion to approve the Hough minor subdivision as submitted, and to instruct the Chairman to sign to survey. Marcia Coon seconded the motion. Roll call vote was taken:

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
Paul Wood,	"Aye"
Marcia Coon,	"Aye"

The Board then turned to the application of William Dabney. Chairman Magee completed the SEQR part 2. After completion of the SEQR part 2, Marcia Coon made the following motion:

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 on the environment. I, Marcia Coon, make a motion that a Negative Declaration be prepared. Randy Robinson seconded the motion. Roll Call vote was taken:

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
Paul Wood,	"Aye"
Marcia Coon,	"Aye"

It is the determination of the Planning Board that the Minor Subdivision application of Mr. William Dabney meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. I, Jim Presley, make a motion to approve the Dabney minor subdivision as submitted, and to instruct the Chairman to sign to survey. Paul Wood seconded the motion. Roll call vote was taken:

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
Paul Wood,	"Aye"

Marcia Coon, "Aye"

Mr. Magee informed Mr. Shaw that a copy of the deed to the right-of-way needed to be on file before the stamped surveys will be given to him. Mr. Shaw stated that he would comply with this request.

Business then turned to Mr. Jim Gifford and the Board addressed his questions concerning the placement of off-premise signs for his business, Old Germania. Mr. Gifford stated that he had met with County officials and had obtained permission to place his directional signs within the county right-of-way. The code of the Town of Urbana states that there are to be no signs in the right-of-way. Discussion followed as to who has jurisdiction to grant permission for signs to be placed in the county right-of-way. It was determined, and advised to Mr. Gifford, that he should apply to the Zoning Board of Appeals for relief from the code of the Town of Urbana. Mr. Gifford agreed to comply and apply for relief from the Zoning Board of Appeals.

The next order of business was the review of the Keuka Medical Practice project. Marcia Coon represents Keuka Medical Practice, and she presented a new drawing of the building plans and explained the lay out of the driveways and parking lots. It was determined that this project did not need any further review and Jim Presley made the motion to approve the project as proposed with no further review unless substantial changes are made to the plans. Paul Wood seconded the motion. Roll call vote was taken:

Robert Magee,	"Aye"
Randy Robinson,	abstained
Jim Presley,	"Aye"
Paul Wood,	"Aye"
Marcia Coon,	abstained

In regards to Peter Jenks and his ability to conduct church services in his garage, Bob Magee stated that Mr. Jenks had been notified and told that he needs to follow through with the original plan to acquire a Special Use Permit from the Zoning Board of Appeals.

Bill Brooks informed the Board that he had talked with the property owner where the "route 54 trailer" sits. The owner told Mr. Brooks that the trailer would not be there much longer. It belongs to his son and it is probable that the trailer will be sold soon.

Chairman Magee stated that he would be in contact with Brian Flynn and Joe Littleton in regards to Ms. Miller's camper situation. She applied in June to appeal the CEO's decision that the camper was in violation of the code of the Town of Urbana.

The Board briefly discussed their concern of more trailers

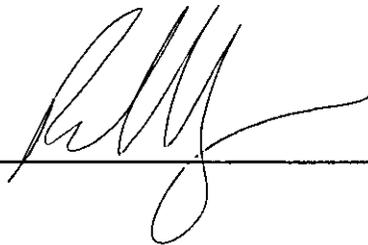
being moved in on the Demming property of the Cold Springs Road. Chairman Magee suggested that the CEO keep a watchful eye on the property to insure that more trailers are not put on the property.

Chairman Magee also mentioned two other matters that may require the Planning Board's attention in the future. They were the Ray Kolo scrap dump and the new Micro Brewery located at the old DeMay winery building. There was little discussion concerning these two businesses, and Mr. Chairman stated that the CEO would be checking to assure the code was being followed for both businesses.

Because there was no further business to attend to, Jim Presley made the motion to adjourn the meeting. Paul Wood seconded the motion. Roll call vote was taken. All members voted "Aye".

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
Paul Wood,	"Aye"
Marcia Coon,	"Aye"

Approved



TOWN OF URBANA PLANNING BOARD MEETING
NOVEMBER 2, 1994

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
Paul Wood, Member
Marcia Coon, Member
Marsha Towner, Recording Secretary
Bill Brooks, CEO
Brian Flynn, Counsel

PUBLIC

PRESENT: Mr. and Mrs. Eldon Hough
Farnham Shaw
Tom and Kevin Yawger

Mr. Magee began the meeting by first informing the Board of some information that had come to him last week from the New York State Planning Institute. He read from the Real Property Law, Article 9, Section 334 regarding subdivision law. This law regards the necessity for the complete survey of the land to be subdivided and how to file it with the county clerk. Mr. Magee explained that the Board has not been requiring a survey of the complete parcel of property to be subdivided as part of the submitted application. Mr. Magee asked the advice of Fred Lewis from Steuben County. Mr. Lewis said that there is a chance that some of the decisions to allow subdivision could be overturned because of the fact that a complete survey map was not submitted. Mr. Magee stated that there is however, a form that can be submitted with the subdivision information to help alleviate the overturning of a subdivision decision by requiring the signature of the seller, the purchaser, and the attorneys involved to verify that the submitted information is complete and correct. Mr. Magee stated that he would present the state subdivision law to the Town Board and inform them that the Planning Board would be willing to continue processing subdivisions as they currently are. However, the Town would be liable if for any reason an appeal of the decision for the subdivision ended with the original decision being overturned.

Mr. Magee also informed the Board of some changes in State Law in regards to the Real Property Law. A chart was given to each Board member to show the steps in the process of approving a subdivision. The first change noted was the number of days between publication of a public hearing and the date of which that public hearing takes place. Mr. Magee also outlined the proper flow of events involved for scheduling the public hearing, deciding on the application, and then filing the decision made at the public hearing.

Turning to new business, Mr. Magee began the preliminary review of the Hough subdivision. Mr. Hough was present to answer questions. The location of the site is 8505 County Route 113, Hammondsport. The total acres of the parcel to be subdivided is 131.811. The lot

size to be subdivided is 2.964 acres. Mr. Hough had a survey map to show the location of the lot in question. The road frontage and lot depth requirements are in compliance. The Board had no questions and Mr. Hough's application was complete. Mr. Magee stated that the Public Hearing for this subdivision would be November 16, 1994.

In the matter of the Dabney subdivision, Mr. Farnham Shaw was present to represent William Dabney. Mr. Dabney is planning to purchase a 17 acre lot from SMS Partners contingent upon the Board allowing a subdivision of that 17 acre parcel into two separate parcels; one being 12 acres, and the other 5 acres. This 17 acre parcel is located between Middle Road and Route 54A in Hammondsport. The road frontage requirement is met. There is a right-of-way that is deeded to the subdivision for access. The Board discussed the process that SMS has been going through to subdivide all of their parcels and the requirements of no mobile homes and no lots smaller than five acres. Mr. Dabney's application was complete. The Public Hearing for this subdivision will be November 16, 1994.

The Board then turned to the Yawger subdivision preliminary review. The property in question is a total of 48.75 acres. The subdivided lots would be 40 acres and 8 acres approximately. Attorney John Bloise informed Mr. Magee that the property taxes would be paid out of the proceeds of the sale of the property. Mr. Magee informed Tom and Kevin Yawger that Mr. Bloise would need to draft a letter to the Board stating that that would happen, and the letter would need to be on record at the Public Hearing for this subdivision. Mr. Flynn stated that if the taxes are to be paid at the time of the sale of the property, that the receipts should be submitted before the survey is certified. There is a question as to whether or not the property in question was properly subdivided when Mr. Venango sold to Mr. Yawger. It is believed that Mr. Venango acquired the property from a tax sale. Mr. Yawger purchased the property from Mr. Venango. There was never a deed filed in the transaction. Mr. Yawger has a bill of sale, but he never recorded his ownership of the property. The records would still show that Mr. Venango is still the property owner. The applicant was unsure when the land would be surveyed, but he was anxious to proceed as rapidly as possible to have the subdivision complete. Mr. Magee stated that the land would need to be surveyed before the subdivision could be pursued. There could be no public hearing without a survey map. Mr. Magee asked Mr. Yawger to contact his surveyor and try to get a tentative date for the survey to be done. If they have some idea of when the survey will be done, a Public Hearing might be able to be scheduled based upon that date. Marcia Coon stated that if there were any pins on the property, there might be a possibility of the pins being recertified. Mr. Yawger stated that he did not know that a survey map would be required in order to obtain a subdivision. He planned on having the property surveyed, but not necessarily before the subdivision took place. Mr. Flynn informed the Board that he had told Mr. Bloise of the necessity of the survey map in order for the subdivision to take

place. Mr. Yawger stated that he had just obtained the abstract from Mr. Venango for the transaction that took place in 1987. Mr. Yawger ended the conversation by stating that he would have his attorney, John Bloise, contact Brian Flynn after which the Board would be informed of what would be happening in regards to this matter. Mr. Magee stated that there was no way a Public Hearing could be scheduled for this subdivision because of the lack of complete information. A clear title has to be obtained by Mr. Yawger and presented to the Board before a subdivision can take place.

Mr. Magee stated that he was going to speak with Shirley Para and let her know that he would prefer the Board have a meeting with the application for subdivision without the applicant present before the preliminary review with the applicant there. His concern is that if the Board does not have enough time to properly review the application, there may be some error or misjudgments made during the preliminary review. If at all possible, the Board could review the application and then if all is in order, a letter can be sent to the applicant informing them that more information is needed or that the application was complete and the date of the Public Hearing has been scheduled. This may also provide an easier process for the applicant because they will not have to attend a meeting that may have proved to be unnecessary.

Mr. Magee brought up the subject of illegal subdivisions that occurred in the past. One of the illegal subdivisions in question was the Gillette subdivision. Mr. Brooks stated that Mr. Gillette says he never intended a subdivision to take place. The transfer of ownership occurred as part of his mother's estate settlement. No subdivision ever took place. Mr. Gillette also stated that he would be in touch with his attorney and then he would get back with Mr. Brooks in regards to this matter.

The subdivision of Jackson Burm was then questioned. It is believed that he wants to subdivide a section of property so that he would be able to locate more camper trailers on his property. He is in violation of the code because he already has more trailers on his property than the code permits. Mr. Brooks stated that this was brought to his attention just a few days ago and that he would be looking into the matter.

In the matter of Teter to Campbell, Mr. Magee stated that he would like Mr. Brooks to look into the matter. Mr. Perkins informed Mr. Magee that this was a major subdivision that took place prior to the new subdivision laws.

The Board then discussed the matter of the trailer that is for sale on Route 54. It was decided that the trailer has been there for approximately one month. It appears that the owner is from out of town. Mr. Magee stated that the code book does not allow for the trailer to be placed there. He also requested that Mr. Brooks look into the matter and find out why the trailer is there.

Turning to the matter of the Miller camper, Mr. Brooks stated that he and Mr. Flynn had a difference of opinions. Mr. Flynn stated that this is a nonconforming structure that existed before the code was written, therefore it can stay there. Mr. Brooks stated that the trailer is an insignificant investment and should not be grandfathered in. It is his belief that this trailer should be removed. Mr. Flynn stated that compared to some of the other matters the Board needs to deal with, the matter of the Miller camper is not worthy of a court case, and he questioned the Board regarding how far they were willing to take the matter. Mr. Magee stated that he did not want to make a test case out of Mrs. Miller's camper, but he did hope that the law was going to be enforceable for current nonconforming matters. Mr. Brooks stated that Mrs. Miller sent a letter to the ZBA asking for an appeal of Mr. Brooks' cite of her camper, and to Mr. Brooks' knowledge, the ZBA did not respond to her appeal. Mr. Magee said that this matter would be brought before the Board again when they review the Burm violations.

Mr. Brooks informed the Board that Mr. Robbins wants to put a 12 X 64 trailer on his property for a storage shed. Even though the lot is nonconforming, he does meet the set back requirements. Mr. Magee stated that under the Law, a mobile home cannot be located in the town of Urbana no matter what the purpose of it is.

Mr. Brooks then informed the Board that Dr. Lin wants to put in a parking area measuring 24 x 30. This would require a retaining wall with fill that would be 18 feet up from the ground level for the purpose of parking three cars along the lower East Lake Road. This would be in the right-of-way. It is believed that Doug Bailey already okayed this project. There is a neighbor who objects because it would block his view of the lake. There has been no application submitted for this project. Mr. Magee stated that Mr. Lin would not have exclusive use of this parking space if it is built on the right-of-way. Any one could park there. A building permit is not required to build a retaining wall. Marcia Coon questioned whether or not the proposed site for the parking space was actually in the right-of-way. Mr. Brooks stated that as far as he knows, it would be in the right-of-way. Dr. Lin has filed a highway permit to Doug Bailey for this project. Mr. Bailey has given his consent for the project. Mr. Flynn stated that there needed to be a formal submission and documentation filed for this project before it actually takes place. This would protect the Town from the possibility of future litigation. Mr. Magee suggested that Mr. Brooks inform Dr. Lin of the process that is involved in order to be in compliance with the code. Mr. Brooks stated that he would require Dr. Lin to submit an application for a building permit. This would start the process of site plan review and public hearing to give the neighbors an opportunity to be informed of the project.

Mr. Brooks stated that he had issued an excavation permit without the Town Board approval for the Keuka Medical project. Discussion followed as to why the Town Board would need to approve the

excavation beforehand. It was suggested that a project requiring major excavation go before the Planning Board for site plan review before a permit is issued.

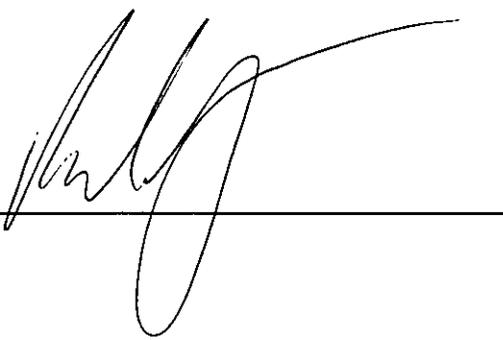
Marcia Coon began discussion in regards to the Keuka Medical Project. She explained that she brought in a site plan to the Planning Board. From there she went to the ZBA and received the Special Use Permit required to build in the agricultural district. Bill Brooks stated that the Doctors are anxious to obtain their building permit. Marcia informed the Board that the revised plans for the project had been submitted with the new master application on September 30, 1994. She also stated that at that point the application should have been submitted to the Planning Board for Site Plan Review. As of yet, this has not happened. Discussion followed regarding the process of how an application gets from one governing body to the next, and what is done to keep the applicant informed of what the next step would be in acquiring the requested building permit. There was a question as to whether or not this project had been presented to the Planning Board for site plan review prior to September 30, 1994. The discussion ended with Mr. Magee stating that he and Marcia would look for the application and try to figure out what the next step would be in obtaining the building permit for the project.

Mr. Magee asked if there was any further business that needed to come before the Board. As there was not, Randy Robinson made the motion to adjourn the meeting. Marcia Coon seconded the motion. Roll call vote was taken:

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
Paul Wood,	"Aye"
Marcia Coon,	"Aye"

Approved,

Robert Magee



TOWN OF URBANA PLANNING BOARD MEETING
SEPTEMBER 21, 1994

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
Paul Wood, Member
Jim Presley, Member
Marsha Towner, Recording Secretary
Bill Brooks, CEO
Brian Flynn, Counsel

PUBLIC

PRESENT: Mr. & Mrs. Eldon Hough
James Barry
Teresa Bauer
Jean Chase
Phil Chase

Chairman Magee called the meeting of the Planning Board to order at 7:10pm. The first order of business was the approval of minutes from the previous meeting of August 24, 1994. Randy Robinson made the motion that the Board approve the minutes of the meeting as submitted. Paul Wood seconded the motion. Roll call vote was taken.

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
Paul Wood,	"Aye"

The Public Hearing for Teresa Bauer was called to order at 7:12pm. Affidavit of publication is on file. The matter brought before the Board was a minor subdivision application for the division of a three acre triangular parcel of land to be cut off from a larger parcel owned by the applicant's parents. The applicant was present to answer questions and she explained the location of the property to be subdivided. The public present were the adjoining property owners (with the exception of Mr. & Mrs. Chase) and they discussed with Ms. Bauer their property lines. It was determined that this subdivision would not effect the surrounding property owners, so no objections were submitted.

In the applicant's file are the completed application for a subdivision dated July 8, 1994, copies of the notification of the public hearing, a letter requesting notification of publication in the Leader, an easement from Leon and Helen Woodhouse dated 4-25-44 from NYSEG, copies of paid tax receipts, the list of adjoining property owners, a completed SEQR short form, several copies of tax maps, xerox copy of the survey and copies of the warranty deed. Missing were two copies of the property survey. Mr. Magee explained that by law, the Board was required to obtain five copies of the survey. However, because generally there is only a need for three, the Board has become lenient and only requires that three

surveys be submitted with the application for subdivision. Because Ms. Bauer did not submit the needed three surveys, the Public Hearing was recessed at 7:55pm and scheduled to reconvene October 5, 1994 when she would then bring in the additional two survey maps needed to complete her application.

The Board then moved into a special meeting with Phil and Jean Chase who represent the Keuka Lake Association Land Use Study. They presented an informal account of the purpose and progress of the study as well as future goals of the study.

PUBLIC HEARING OF THE TOWN OF URBANA PLANNING BOARD
OCTOBER 5, 1994

PRESENT: Robert Magee, Chairman
Paul Wood, Member
Jim Presley, Member
Marcia Coon, Member
Bill Brooks, CEO

PUBLIC

PRESENT: Teresa and Phyllis Bauer

The Public Hearing for the matter of the Teresa Bauer Subdivision was reconvened at 7:00pm. The applicant presented the Board with three certified surveys. This submission completed the application for the minor subdivision. The Board then reviewed and completed the SEQR short form. It was determined that 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 on the environment. Jim Presley made a motion that a Negative Declaration be prepared. Paul Wood seconded the motion. Roll call vote was taken.

Jim Presley, "Aye"
Paul Wood, "Aye"
Robert Magee, "Aye"
Marcia Coon, "Aye"

The Board then determined that the Minor Subdivision of the application of Teresa Bauer meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Paul Wood made the motion to approve the Bauer subdivision as submitted and to instruct the Chairman to sign to survey. Jim Presley seconded the motion. Roll call vote was taken.

Paul Wood, "Aye"
Jim Presley, "Aye"
Robert Magee, "Aye"
Marcia Coon, "Aye"

Because the public Hearing for Teresa Buaer was complete, Jim Presley motioned that the meeting be adjourned. Paul Wood seconded the motion. Roll call vote was taken.

Marcia Coon "Aye"
Jim Presley "Aye"
Paul Wood "Aye"
Robert Magee "Aye"

The Public hearing for Teresa Bauer was adjourned at 7:30pm.

Approved,



Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
SEPTEMBER 7, 1994

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
Paul Wood, Member
Jim Presley, Member
Marcia Coon, Member
Marsha Towner, Recording Secretary
Bill Brooks, CEO
Brian Flynn, Town Counsel

PUBLIC

PRESENT: Mr. Karl Hadley

Chairman Magee called the meeting of the Planning Board to order at 7:15pm. The first order of business was the approval of minutes from previous meetings. Marcia Coon made the motion that the Board approve the minutes of the May 4, 1994 meeting as amended, May 11, 1994 as submitted, June 1, 1994 as submitted, and August 3, 1994 as amended. Jim Presley seconded the motion. Roll call vote was taken. All members voted "Aye."

Bill Brooks and Mr. Hadley were present to explain to the Board what plan of action was taking place to help Mr. Hadley bring his junk yard into compliance with the Town Code. Mr. Brooks is working closely with Mr. Hadley in order to help him reorganize his operation of the junkyard to help alleviate the overflow of junk vehicles.

The license that Mr. Hadley has to operate the junkyard is renewable every April. Once the junkyard is brought into compliance, the license will roll over into the next year.

Mr. Hadley has begun the task of coming into compliance. A letter from Bill Brooks to the Planning Board is recorded with the minutes of this meeting. This letter explains what has already been done by Mr. Hadley and also addresses the need for the Planning Board to establish a plan of operation to be presented to the Town Board that would be placed in effect in time for the next renewal of Mr. Hadley's annual junkyard permit.

Mr. Hadley explained the system of how the junk vehicles get crushed and carried away. He estimated at least 300+ vehicles were currently on the property. The lot size is approximately 4 acres. Mr. Hadley cuts out the steel and scrap metal that he can take to recycling. The rest of the vehicle gets crushed and taken out by a carrier. The carrier likes to take at least two loads out of the junkyard in a day. Eighteen cars are taken out in one load. The crusher likes to come to the junkyard when there are at least 200 vehicles there to be taken out.

The Board members discussed and agreed that they would like to see a cap on the number of cars that are in the junkyard at any one time. Given the fact that Mr. Hadley takes in on the average of one car per day, and the crusher company likes to come and take out at least 200 cars at a time, the flow of things will cause a natural number of approximately 165 to 365 vehicles to be on the premises as any one time. Whatever scrap is not taken out by the crushing company, Mr. Hadley takes out to Elmira. This helps alleviate the accumulation of odds and ends that will never be taken out of the junkyard.

Mr. Hadley is working out a plan to line up and stack the junk cars in an orderly manner while he awaits the crusher. This would give the junkyard a neater appearance and also allow him easier access to the vehicles. It was the general opinion of the Board that if Mr. Hadley can make the junkyard more eye appealing, the neighbors would probably not be so objective to it being there. Any improvement will help the neighbors to realize that Mr. Hadley is at least trying to keep things picked up.

Mr. Hadley explained that he was planning on erecting a fence along the ravine to prevent junk from falling over into the ravine as well as to protect from the danger of kids being in there. He stated that he does not plan on putting the junk right up to the edge of the ravine.

Mr. Brooks stated that there was a large water and mud hole in the middle of the junkyard that he would like to see filled in for safety purposes as well as the fact that it would make Mr. Hadley's operation easier to maintain.

The gates to the junkyard will be closed at all times except for one that will be open when Mr. Hadley is on the premises, and when the crusher is there to take out vehicles.

Mr. Magee asked if Mr. Hadley would mind the Board coming up to visit the junkyard. Mr. Hadley stated that it would be fine, just call first to be sure he was there.

As there were no more questions, Mr. Hadley was dismissed. Mr. Magee then informed the Board that the next meeting of the Planning Board would be for a Public Hearing for the subdivision of Theresa Bauer on September 21, 1994.

Mr. Wood asked what the status of Mr. Hadley's situation was. Mr. Flynn explained that the Town Board was allowing Mr. Hadley to continue his operation with the contingency that he be bringing his junkyard into compliance. Mr. Brooks has been successful in persuading Mr. Hadley to clean up his business. This has been met with approval by the Town Board and the Planning Board. As he continues to come into compliance, Mr. Hadley will be able to reach the point of automatic roll over of his license.

Mr. Brooks showed the Board pictures of Mr. Hadley's junkyard.

Mr. Magee stated that the maximum number of cars allowed on the premises should be determined by the size of the lot, not how many the crusher can take out. The Board continued general discussion regarding Mr. Hadley's junkyard. As there was no further business to attend to, Jim Presley made the motion for adjournment. Paul Wood seconded the motion. All members voted "Aye".

Approved,



Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
AUGUST 24, 1994

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
Paul Wood, Member
Jim Presley, Member
Marcia Coon, Member
Marsha Towner, Recording Secretary
David Oliver, CEO
Bill Brooks, CEO

PUBLIC

PRESENT: Milton and Irene Newman *Jim Sifford Mr*
Clarence VanScoter

Chairman Magee called the Public Hearing of the Planning Board to order at 7:06pm.

The Board began the Public Hearing by addressing the subject of the Newman Subdivision. Chairman Magee gave a brief overview of the situation stating that a previous sub-division took place, prior to subdivision law being in effect, and a sub-standard lot was formed as a result of the subdivision. It is on this sub-standard lot that the Newman's wish to construct a home. At a Planning Board meeting on August 3, 1994, it was determined that the sub-standard lot was exempt from subdivision requirements because it was a result of the subdivision which took place prior to the subdivision law. This public hearing was taking place in order to inform the public of the Newman's desire to build on the substandard lot and give them a chance to respond.

Mr. Magee went through the file, and all necessary documents including names and addresses of the neighbors, copies of the deeds, some plat maps, copies of field surveys done by Muller on November 19, 1993, a report from the Watershed Inspector indicating that the septic is appropriate, water test results, and a completed application that includes the SEQR with part one completed, have been submitted. Paid tax receipts were missing from the file, and Mr. Magee informed Mrs. Newman that they would need to be submitted before any action could be submitted to the County Clerk.

Mr. Magee asked if the public had any questions. There were none. Mr. Magee explained to the Newman's that the original and copies of the survey have to be stamped with the town stamp and signed. Mrs. Newman stated that she would bring in the original survey when she brought in the copies of the paid tax receipts. As there were no further questions, the Hearing was closed at 7:20pm.

Mr. Magee began the regular meeting of the Planning Board by addressing the Newman Subdivision. Mr. Magee stated that the

declaration of the minor subdivision had been made at the meeting of August 3, 1994. He proceeded to go through the SEQR form and 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 on the environment. Marcia Coon made a motion that a Negative Declaration be prepared. Randy Robinson seconded the motion. Roll call vote was taken. All members voted "Aye."

Bob Magee made the motion that based upon the fact that the Newman Subdivision is in compliance with the code of the Town of Urbana, it should be granted a Minor Subdivision. Randy Robinson seconded the motion. Roll call vote was taken. All members voted "Aye." The subdivision can not be submitted until the original survey is stamped and signed and the paid tax receipts are in the file.

The Board then turned to the subject of a concept review of Mr. William Lane. Mr. VanScoter was present to address any questions that would be in reference to the building plans of Mr. Lane. Terry DeBuck had stated to Mr. Magee that the septic was adequate for the design that Mr. Lane was proposing. Mr. Lane questioned whether or not the Planning Board required any further review of the matter.

Marcia Coon raised the question of the deck being cantilevered out over the water. Mr. Oliver stated that the deck counts as part of the footprint of the house. Because of this, it appears that part of the house would be built on the water. Mr. Oliver denied the permit because of the violation of all set back requirements. Mr. Lane applied for a variance, and was granted one by the Zoning Board of Appeals. Mr. Magee asked the Board if there was any other aspects of the plan that they would like to scrutinize. Marcia Coon stated that she was concerned about the water running off of the structure into the lake. The ZBA granted the variance for relief to the Lane's with the proposed second story deck being part of the plan of construction. The Planning Board will support the ZBA's decision and will write a letter to William Lane to that effect. Mr. Magee stated that the variance is in effect for one year from the time it is granted. The building permit needs to be exercised within one year or the variance is determined null and void.

Discussion continued in regards to the Lane building proposal, and the Board expressed their concerns over the second story deck. Chairman Magee stated that the purpose of the law is to enforce the law, and that a concept review should take place before a Zoning Board Meeting. In this case, they will uphold the ZBA decision, but in the future the Planning Board will try to follow the procedure of a concept review before a Zoning Board meeting.

In regards to the Miller Variance, Mr. Magee stated that the

issue is based on the fact that Mrs. Miller believes that her trailer is not in violation of code because of the Grandfather Clause. She has been sited by Bill Brooks, CEO and is appealing Mr. Brook's decision to find her in violation of code. At this time there is no date on the calendar set aside for the Zoning Board of Appeals meeting in regards to this matter.

Mr. Magee stated that in the case of Theresa Bauer, the Planning Board has already held a preliminary hearing and discovered that there were no surveys submitted as well as the SEQR with part one completed. No further action can be taken because the application is incomplete.

In regards to the Germania project, it was determined that a complete master application has to be filled out and submitted. It will most likely be denied and then forwarded on to the ZBA for their review. Each sign would need a separate application and a separate variance. Randy Robinson asked Jim if his septic had been shut off. He stated that yes it had been. His plan is to hook into an existing pipe and have the industrial waste water empty into a 2,000 gallon holding tank. The holding tank will have an alarm to signal when it is time to pump it out. The plan for the holding tank is to install it this fall or next spring. The holding tank will be installed according to DEC regulations. Randy asked if the local wastewater law supersedes the DEC regulations. Mr. Magee did not know. Discussion followed concerning the local law and why it would be more restrictive than DEC regulations. Mr. Robinson suggested that Mr. DeBuck be consulted to be sure that a holding tank would be in compliance with local law.

The Board then discussed the Concept Review of a permanent free standing sign. The Keuka Cooking and Craft Co. has a sign that was purchased on information received from the wrong source. It is not in compliance with the local law. The owner had been previously sited by Bill Brooks and was told she should hold off purchasing a new sign. However, this non-conforming sign was purchased and appeared on the premises a short time thereafter. The Board discussed the issue of the signs for all the individual stores in the strip where the Keuka Cooking and Craft Co. is, and it was determined that the owner of the strip of stores would need to be contacted and informed that he was responsible for purchasing a conforming sign that would be used for all of the individual businesses located there.

As there was no further business to discuss, Paul Wood made the motion to adjourn the meeting. Marcia Coon seconded. Roll call vote was taken. All members voted "Aye." The meeting was adjourned at 9:15pm.

Approved,


Robert Magee

TOWN OF URBANA PLANNING BOARD MEETING
AUGUST 3, 1994 (amended)

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
Paul Wood, Member
Jim Presley, Member
Marcia Coon, Member
Marsha Towner, Recording Secretary
George Appleton, Building Inspector
Bill Brooks, CEO
Brian Flynn, Town Counsel

PUBLIC

PRESENT: Terry Nardone Alan Davis
Ruth Ann Davis Matt Garrison
Nelson Davis

Chairman Magee called the meeting of the Planning Board to order at 7:10pm.

OLD BUSINESS

Chairman Magee began discussion of old business by addressing the subject of the Newman Subdivision. The Newman's had a parcel of land on County Rte 13 that they owned and previously subdivided. The subdivision took place before the subdivision law was in effect. In the process of subdividing, an adjacent lot was created with less than the required 250 foot lot width. It is this lot in question that the Newman's desire to build a new home on. When they went to obtain their building permit, they were informed that the lot does not meet the requirements of the Subdivision Laws in the Town of Urbana, and a permit was not issued. The current width of their lot is 79.2 feet; 170.8 feet short of the lot width requirement. Chairman Magee informed the Board that under § 93-28 B. of the Subdivision Law of the Town of Urbana, and § 105-44 F.(1)(a) and § 105-44 F.(2) of the Zoning Law of the Town of Urbana, the Board could waive the requirement of the 250 foot lot width. On review of the file, it was determined that this subdivision could be classified as a Minor Subdivision. Marcia Coon so moved. Paul Wood seconded the motion. Roll call vote was taken. All members voted "Aye."

Chairman Magee then continued to list the findings in the Newman case as follows:

1. The application is in order and complete.
2. The subdivision of the property on the West Side of County Rte 13 occurred prior to Town Zoning regulations. Therefore this was a legal subdivision which created the non-conforming lot.

3. The parcel on the East side of County Rte 13 consisting of 6.072 acres was a conforming lot.
4. The parcel on the East side of County Rte 13 consisting of 2.959 acres was a conforming lot.

Jim Presley made the motion to accept the findings. Marcia Coon seconded the motion. Roll call vote was taken. All members voted "Aye."

Based upon the findings and § 93-28 B. of the Subdivision Law of the Town of Urbana, and § 105-44 F.(1)(a) and § 105-44 F.(2) of the Zoning Law of the Town of Urbana, Paul Wood made the motion to waive the requirement of the 250 foot lot width. Jim Presley seconded the motion. Roll call vote was taken. All members voted "Aye."

Mr. Magee then stated that there would be a Public Hearing for the Newman Subdivision on August 24, 1994 at 7:00 pm.

The next order of business was a review of Mr. Hobson's Minor Subdivision maps. It was determined that the correct maps, with the raised seal, are on file.

In regards to the Wehl to Byron case, Mr. Flynn stated that he had sent a letter to the other attorney involved, along with the Code Law regarding subdivision of land. Mr. Magee stated that the matter would be tabled until further communication is made by the other attorney.

NEW BUSINESS

New Business began with a presentation by Terry Nardone of 14 Thorpe Avenue, in regards to public utilities and the municipal take over of electric service to the community. He began by stating that on March 8, 1994 he spoke with the Village of Hammondsport Board of Trustees. He told them of the possibility of a municipal take over, and that he would be willing to do research into the matter and inform the Board of the necessary process to carry out the take over. The process would include the Village and Town applying to New York state to purchase the power from a low cost source, pay for it to be distributed by NYSEG, and charge a tariff on it in order to develop revenues. This is a program that NY State is promoting in order to gain more job availability in the areas involved. He stated that this has already taken place in Dundee, New York.

In order to begin the process, the village has to go before the public and find out if the public is interested in the municipal takeover. Mr. Nardone stated that he would be going back

Mr. Robinson asked what the proposed construction would consist of. Mr. Garrison stated that the reason for the construction would be to rebuild the structure and make it usable. He stated that currently it is a three story structure with very low ceilings and quite "shabby". The Rundell's plan would be to make it into a cottage. Marcia stated that the runoff from the building goes onto the neighbors' property and the road behind the structure. Mr. Davis stated that if the building was going to continue to exist, he would like it improved. Mrs. Davis stated that the problem of the encroachment could be worked out. Mrs. Coon asked if the plan would include expanding toward the lake. It was explained that there was no way to expand the structure except for in an upward direction. Discussion followed between the Board, Mr. Garrison and the Davises. Mr. Garrison stated that there was some sentimental attachment for the Rundell's as this property has been in the family for a number of years.

Mr. Appleton stated that if the renovation was going to be as extensive as it appears would be needed, it would have to be dealt with as a new construction and come under the Building Code as it exists today. The lot would be considered unbuildable because there has to be a minimum of a four foot setback from the lot line for a single story structure. A minimum of five foot setback is required for a two story structure. The case is closed if those requirements can not be met. The Board has the power to vary the town setback requirement, but they can not vary the state requirements. An appeal to the state would need to be filed and approved in order for the project to be pursued.

Mr. Magee stated that the Rundell's do have the right to apply for the variance and to enjoy their property. Mr. Magee outlined the steps that would have to be taken by the Rundell's in order to pursue this project. Mr. Magee stated that the Board can not give permission for the Rundell's to build on the Davis property. Therefore, the issue of encroachment would have to be dealt with first. A series of formal submissions would then need to be dealt with. The issues of the right-of-way, setback requirements, handling of runoff, the sewer system condition, and the state requirements would have to be dealt with as well. The project would be considered new construction and Under § 95A, a holding tank is not allowed in the state of New York. Variances would have to be applied for on the state level.

Mr. Garrison asked if a different series of problems would need to be addressed if the Rundell's erected a temporary structure with a dock. Mr. Appleton stated that a dock would not be a problem, but any structure would need to meet setback requirements. Mr. Garrison then asked about a stairway. Mr. Brooks stated that he didn't believe the question of a stairway had ever been addressed. Mr. Garrison asked how the 50% of value would be reached. Mr. Magee stated that the owner could obtain a professional assessment and base the 50% on that assessment.

TOWN OF URBANA PLANNING BOARD MEETING
AUGUST 3, 1994

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
Paul Wood, Member
Jim Presley, Member
Marcia Coon, Member
Marsha Towner, Recording Secretary
George Appleton, Building Inspector
Bill Brooks, CEO
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PUBLIC

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Chairman Magee called the meeting of the Planning Board to order at 7:10pm.

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Chairman Magee then continued to list the findings in the Newman case as follows:

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Mr. Magee then stated that there would be a Public Hearing for the Newman Subdivision on August 24, 1994 at 7:00 pm.

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NEW BUSINESS

New Business began with a presentation by Terry Nardone of 14 Thorpe Avenue, in regards to public utilities and the municipal take over of electric service to the community. He began by stating that on March 8, 1994 he spoke with the Village of Hammondsport Board of Trustees. He told them of the possibility of a municipal take over, and that he would be willing to do research into the matter and inform the Board of the necessary process to carry out the take over. The process would include the Village and Town applying to New York state to purchase the power from a low cost source, pay for it to be distributed by NYSEG, and charge a tariff on it in order to develop revenues. This is a program that NY State is promoting in order to gain more job availability in the areas involved. He stated that this has already taken place in Dundee, New York.

In order to begin the process, the village has to go before the public and find out if the public is interested in the municipal takeover. Mr. Nardone stated that he would be going back to the Village Board and informing them that he had made the Planning Board aware of the process. He was talking to the Planning Board as a matter of record. If the public is interested, then more research would be done to find out how much the takeover would cost and more of the details involved. Mr. Nardone stated that he would make himself available to do the research if in fact the referendum showed that enough of the public was willing to take over the electric utility. Mr. Nardone has been in contact with the Public Service Commission in order to gain more information on this matter. The next step for Mr. Nardone is to urge the Town to encourage their attorney to study the municipal law, sections 360 through 364, to see what the law requires. Mr. Nardone is willing to meet with the attorney to go over more information if the attorney would be willing. Mr. Nardone stated that he was only seeking the Planning Board's support when he goes before the Town and Village Boards to present this information.

Mr. Magee asked Mr. Nardone if he had presented this to the Town Board at all. Mr. Nardone stated that he was beginning with the Planning Board because of the impact that this would have on the planning of all actions taking place within the Town and Village. Mr. Magee stated that his suggestion is for Mr. Nardone to make a presentation to the Town Board at his earliest convenience. The Planning Board has no authority in the matter whatsoever. Mr. Nardone stated that all he wanted was the support of the Planning Board based upon the information he has given and made a matter of the minutes.

Mr. Flynn stated that he would like to see Mr. Nardone to present something in writing. It is more helpful if the Board has the presentation in writing before the meeting so that the information can be read beforehand and then discussed in more detail when they convene for their meeting. Mr. Flynn informed Mr. Nardone that the next Town Board meeting would be the third Tuesday of August. Submissions and requests need to be made the Thursday prior to the meeting.

Bob Magee stated that it was an interesting idea that deserves further attention. However, before any Board can respond there needs to be a written submission. Mr. Magee requested that a copy of Mr. Nardone's submission be made available to the Planning Board.

Mr. Robinson asked Mr. Nardone who he worked for. Mr. Nardone stated that he did not work for anyone. He is a disabled, Vietnam Combat Veteran who has had an extensive amount of experience working in the field. He is self-trained in politics. Prior to moving to Hammondsport he obtained over \$12,000 in free government money to rehabilitate his property here. He has done an extensive

amount of research since locating here. He enjoys being involved in projects of this sort, and has done a lot of research regarding the use of the flume becoming a hydro-generator. His only interest is the well being of the community.

Mr. Robinson asked who creates the jobs that Mr. Nardone states would be made available with a municipal takeover. Mr. Nardone stated that more jobs could be created because the lower cost utility would encourage individuals to create more available services for the community, as well as encourage new businesses to move into the area. Also, if local businesses are currently purchasing their electric from NYSEG, the savings they would accrue because of the take over would enable them to hire more employees or expand to the point where more employees would be needed. Mr. Nardone cited examples of municipalities where successful takeovers had already taken place. Mr. Magee thanked Mr. Nardone for presenting his ideas to the Planning Board and suggested that Mr. Nardone now go to a Village Board Meeting. Mr. Nardone stated that he would like to receive a copy of the minutes of this meeting so that he could then say that he had been to the Planning Board and that the Planning Board thought a municipal takeover would be worth looking into. He then suggested to the Board that they send a letter to the Power Authority and ask to be put on the mailing list for information specifically dealing with municipal takeovers.

Mr. Magee than brought the Board up to date on the Rundell proposed property project. Matt Garrison was present to represent the Rundell's as the Board proceeded with an informal Concept Review. Mr. Garrison presented pictures of the current structure on the property, and Mr. Magee explained that the lot measures 10.11 foot lot with a 10.3 foot building on it. The building appears to be sitting on someone else's property. Mr. Magee suggested that the Board Members go view the property at their convenience as to familiarize themselves with it. Mr. Magee stated that the encroachment would need to be dealt with before any new construction could take place. Another concern was the amount of remodeling that would be done to the structure. If more than 50% of the value of the building would be put into remodeling, it would then be considered new construction. Under new construction, the project would have to meet the requirements of NY State Septic Regulations as well as Keuka Lake Watershed agreements, and the Uniform Building Code.

Mr. Magee asked if the Board had any questions. Marcia Coon asked if their was a plan for construction submitted. Mr. Garrison said nothing formal had been done up to this point as far as hiring an architect. The Rundell's wanted to be sure that the remodeling/construction would be approved by the Board before they hired an architect to draw up plans. Marcia then stated that she felt the Board needed to be careful so as not to set a precedent of allowing construction to take place on 10 foot parcels of property.

Mr. Magee stated that this case was unique. There are no past cases such as this to use as a reference.

Mr. Robinson asked what the proposed construction would consist of. Mr. Garrison stated that the reason for the construction would be to rebuild the structure and make it usable. He stated that currently it is a three story structure with very low ceilings and quite "shabby". The Rundell's plan would be to make it into a cottage. Marcia stated that the runoff from the building goes onto the neighbors' property and the road behind the structure. Mr. Davis stated that if the building was going to continue to exist, he would like it improved. Mrs. Davis stated that the problem of the encroachment could be worked out. Mrs. Coon asked if the plan would include expanding toward the lake. It was explained that there was no way to expand the structure except for in an upward direction. Discussion followed between the Board, Mr. Garrison and the Davises. Mr. Garrison stated that there was some sentimental attachment for the Rundell's as this property has been in the family for a number of years.

Mr. Appleton stated that if the renovation was going to be as extensive as it appears would be needed, it would have to be dealt with as a new construction and come under the Building Code as it exists today. The lot would be considered ^{unbuildable} ~~unfillable~~ because there has to be a minimum of a four foot setback from the lot line for a single story structure. A minimum of five foot setback is required for a two story structure. The case is closed if those requirements can not be met. The Board has the power to vary the town setback requirement, but they can not vary the state requirements. An appeal to the state would need to be filed and approved in order for the project to be pursued.

Mr. Magee stated that the Rundell's do have the right to apply for the variance and to enjoy their property. Mr. Magee outlined the steps that would have to be taken by the Rundell's in order to pursue this project. Mr. Magee stated that the Board can not give permission for the Rundell's to build on the Davis property. Therefore, the issue of encroachment would have to be dealt with first. A series of formal submissions would then need to be dealt with. The issues of the right-of-way, setback requirements, handling of runoff, the sewer system condition, and the state requirements would have to be dealt with as well. The project would be considered new construction and Under § 95A, a holding tank is not allowed in the state of New York. Variances would have to be applied for on the state level.

Mr. Garrison asked if a different series of problems would need to be addressed if the Rundell's erected a temporary structure with a dock. Mr. Appleton stated that a dock would not be a problem, but any structure would need to meet setback requirements. Mr. Garrison then asked about a stairway. Mr. Brooks stated that he didn't believe the question of a stairway had ever been

addressed. Mr. Garrison asked how the 50% of value would be reached. Mr. Magee stated that the owner could obtain a professional assessment and base the 50% on that assessment. Remodeling could then be done up to that point. All refurbishment would need to meet current code regulations.

Mr. Flynn stated that the Board could not grant a building permit for the Rundell's to do any work on the structure that was on the Davis property. Therefore, again, the encroachment would need to be dealt with first.

Discussion followed concerning building permits and what types of work required a permit. Mr. Appleton explained that building permits were required for projects that if not done properly, could be a hazard, and for projects that could be a nuisance to neighbors or the village.

The next order of business was the Carr Minor Subdivision. LaPierre had stated that all necessary documents had been submitted, but on further examination, Mr. Magee noted that missing from the file were the survey, deed and tax receipts.

The Germania file was discussed next. The requirements of Mr. Gifford in order to operate the Germania winery were reviewed. Mr. Magee asked if Mr. Debuck had gone to Germania to inspect the septic system. There was a letter in the file from Mr. Debuck regarding the matter. Mr. Magee stated that Mr. Gifford can go into the business of tourism, but not production because the sewer system is for bathroom use only. The agreement between Gifford and Vintners to take care of industrial waste has been severed. Mr. Magee stated that he will write a letter to Mr. Gifford and ask him what he plans to do with industrial waste. Terry Debuck will be notified of the situation. Mr. Oliver and Mr. Brooks will also be notified and asked if building permits have been issued.

In the matter of SMS files, Mr. Magee stated that the people from SMS are hoping to close on the last piece of property. Mr. Magee stated that all the survey maps have been submitted except for the final piece of property. Mr. Magee asked Mr. Flynn if he can stamp and sign all of the survey maps since they have all been approved. Mr. Flynn stated that he could.

Mr. Magee reviewed with the Board the Bauer Minor Subdivision. In the file are all the necessary documents except for the survey showing division and exact acreage of the lot to be conveyed. Mr. Magee will notify Mrs. Bauer and request the survey. A Public Hearing will then be scheduled. Marcia Coon made the motion to declare the Bauer subdivision a Minor Subdivision. Presley seconded the motion. Roll call vote was taken. All members voted "Aye."

The Board then discussed the ZBA applications of Miller and Knoebel. In regards to Miller, Bill Brooks had notified her that she was in violation of Town Code. She is applying for relief from the law because she can't get the camping trailer licensed or registered. She wants permission to keep the camping trailer on the site where it presently sits because if she tries to move it, it will fall apart. The Board members wanted to have the chance to view the site before an opinion is submitted to the ZBA.

The Knoebel ZBA application is for relief of setback requirements in order to build a deck out to the seawall. The Board viewed pictures of the proposed building site. The general opinion of the Board was favorable. This opinion will be submitted to the ZBA.

Marcia Coon informed the Board that the ZBA application of Keuka Professionals was for a Special Use Permit to use an agricultural piece of land for a commercial business. She explained what the plans were for the use of the proposed building. The Board's opinion was favorable, and this opinion will be submitted to the ZBA for their consideration.

Mr. Magee then explained to the Board the letter that Bill Brooks had sent to Mr. Hadley. Mr. Brooks stated that Mr. Hadley will need to present to the Board his plan for running a junk yard and maintaining a maximum of 60 cars on the premises at all times. If Mr. Hadley does not comply, the town of Urbana will do what needs to be done to shut down the business. Mr. Brooks is working with Mr. Hadley to help him clean up the land and run his business within the limits of the Town of Urbana Code.

Mr. Magee explained that Dick Sherer leased a piece of land located behind the Vinehurst Motel to Mr. Smith. Mr. Smith put in a strip track to race 4 X 4 trucks. A number of neighbors complained and Bill Brooks went to see Mr. Sherer. Mr. Sherer was told to stop the operation because there is no provision in the Town of Urbana law for this type of operation to exist.

Mr. Magee then asked Mr. Flynn to supply him with information regarding State and Local Riparian Rights so that he could be better informed.

As there was no further business, Mr. Magee motioned for adjournment. Mr. Presley seconded the motion. Roll call vote was taken. All members voted "Aye." The meeting was adjourned at 10:00pm.

Approved,

A handwritten signature in black ink, appearing to be 'R. Magee', written over a horizontal line.

TOWN OF URBANA PLANNING BOARD MEETING
JUNE 1, 1994

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

Chairman Magee called the meeting of the Planning Board to order at 7:20pm. After noting a few minor corrections, Mr. Magee motioned to approve the minutes of May 4, 1994 as amended. Paul Wood seconded the motion. Roll call vote was taken. All members voted "Aye."

OLD BUSINESS

Chairman Magee informed the Board that the sign law was formally submitted to the Town Board at their last meeting. There were no questions regarding the sign law, and they scheduled a public hearing on June 9, 1994.

In regards to the Lakefront study, Chairman Magee informed the Board that Randy Kuhl had written a letter to the Village Board, which prompted a Village Planning Board meeting. The Planning Board condemned the amendment that Bill Reid had written and requested that it be rewritten after the study is reconvened.

In regards to the Farris subdivision, it was determined that the subdivision that he wants to make will be declared a major subdivision. Mr. Farris wants to get the process rolling, and has requested that the Board inform him of the necessary steps to be taken in order to do so. The application that Mr. Farris had previously submitted was for a minor subdivision. The Board then discussed his options of how the parcel could be divided and still have enough allowance for the road frontage. It appears that he will have to apply for a variance in order to subdivide the parcel into three parcels. The Board is still in need of a survey and Chairman Magee stated that he would write Mr. Farris a letter and inform him as to what needed to be done next in order to be granted the right to subdivide.

Mr. Magee informed the Board that he had sent a letter to SMS and that all of the needed information was turned in. Brian Flynn needs to be consulted before anything is done with all the surveys. Discussion followed concerning a question directed to Mr. Magee in regards to the ability of a new owner being able to subdivide the parcel purchased. The Board then reviewed a letter drafted by Mr. Magee to SMS Partners explaining the subdivision process, and all members agreed that the letter should be sent in an attempt to

clear up any misunderstanding. The letter is attached to the record of this meeting.

Mr. Novak has not responded since the last meeting in regards to his subdivision.

The Board then addressed Mr. Hobson's case of wanting to buy a parcel and then subdivide and sell off a portion to another party. There is a potential problem with the road frontage requirement, and after much discussion it was determined that after Mr. Hobson makes his purchase, he will need to submit his survey and apply for a permit that will be turned down and forwarded on to the ZBA for a variance. The Planning Board will submit a favorable opinion to the ZBA for Mr. Hobson to be granted the variance.

Chairman Magee then informed the Board that at the May 11, 1994 meeting, recommendations had been decided on in regards to the Peter Jenks case. He requested the Board review the recommendations before he formally submitted an opinion to the ZBA. The Board discussed the concerns that were addressed in the meeting of May 11, and concluded that Mr. Jenks needs to apply to the ZBA for a temporary Special Use Permit. Chairman Magee stated that he would rewrite a letter to Mr. Jenks explaining the Board's position and have Brian Flynn review it before mailing.

The Board then reviewed applications submitted to the ZBA that would be discussed at a meeting of the Zoning Board of Appeals on June 9, 1994. The first application discussed was for Mr. Charles Longwell who was seeking relief from setback requirements. The Planning Board concluded that they had no objection to this project being granted relief but suggested that the setback of the new building not be located any closer to the property line than the setback of the existing building.

In the case of Randolph Weaver who was seeking relief for side yard setbacks to construct a deck, the Board indicated that the application did not provide them with enough information to formulate a sound opinion in the matter.

Mr. Mark O'Brien submitted an application to seek an extension of a variance previously granted to the property he owns on Randallville Road in order to keep a mobile home that does not meet code requirements on the premises. The Planning Board concluded that this request should be denied since Mr. O'Brien was aware of the variance when he purchased the property and has already had sufficient time to comply.

The Board then looked to three applications that would be going before the Zoning Board of Appeals on June 30, 1994. They included applications submitted by Michael Cook, Debra Herrick and Kevin Bailey.

In the matter of Michael Cook applying for a Special Use Permit in order to convert a one family home into a two family dwelling, the Board concluded that they would submit a favorable opinion to the ZBA. However; they suggested that the ZBA consider these concerns: 1. adequate water supply, 2. capacity of the

septic system, and 3. building and fire codes. The Board also noted the concerns submitted by CEO William Brooks which were 1. adequate sewage disposal, 2. adequate parking, and 3. the potential for insufficient refuse disposal.

Debra Herrick is applying for a variance for rear yard setback in order to erect a pole barn. The Planning Board chose not to enter a formal opinion in the matter, but asked the ZBA to consider the fact that there seems to be several buildings located on a small parcel and could effect lot coverage percentage requirements. There was also a question of what the hardship was that did not allow this structure to be built within the confines of the code. It was also unclear on the application what the setbacks to boundaries and other buildings were as well as where the well and septic system were located.

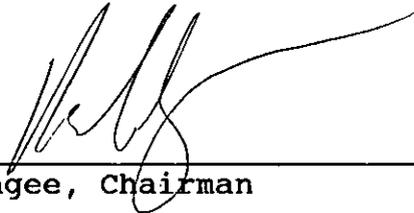
A variance is being applied for by Kevin Bailey for front yard setback in order to construct a garage. The Planning Board stated that their opinion to the ZBA is that this application should be denied because there is a question of ownership on the parcel of land. Also because the project was started without the application of a building permit, and an examination of the parcel does not reveal any particular hardship that would prevent the project from being constructed within the parameters of the Town Code.

Marcia Coon then addressed the Board in regards to her project for the doctors of which she is doing an architectural job. There is a question of density, and Mr. Magee stated that he would try to find more information on the topic and consult with Brian Flynn on the matter. Mrs. Coon asked if applying for a Special Use Permit would suffice since the land is agricultural but will be used for commercial purposes. Mr. Magee stated that the new law requires a rezone of the property in question. Marcia will contact Mr. Magee to find out what the necessary procedure will be after he consults with Mr. Flynn.

Mr. Magee then read to the Board a letter sent to William Reid from CEO Bill Brooks, in regards to the DeMay property. The letter stated that the property could continue to exist and be used in the same non-conforming manner of which it has been operating.

As there was no further business before the Board, Jim Presley motioned that the meeting be adjourned. Paul Wood seconded the motion. Roll call vote was taken. All members voted "Aye."

Approved



Robert Magee, Chairman

June 1, 1994

SMS Partners
c/o Mr. Farnham Shaw
737 East Lake Road
Hammondsport, New York 14893

Dear Mr. Shaw,

As a follow-up to our telephone conversation, I have enclosed a checklist outlining the procedures for applying for a minor subdivision. Upon transfer of the parcel to the new owner, he would have to apply for, and be granted subdivision approval prior to transferring the newly created parcel.

You indicated that this sale may be contingent upon the 'guarantee' that it may be subdivided. Neither I, nor the Planning Board can offer any such assurances. I can offer two solutions that may assist you. One possibility is that SMS Partners could apply for the subdivision, to the specifications of the purchaser, prior to the sale. The second possibility is that the purchaser could apply for the subdivision prior to the sale, listing himself as applicant and SMS Partners as property owners. Both of the aforementioned should meet the requirements of your buyer, and at the same time, comply with state and local subdivision regulations.

If I can offer any further assistance, please contact me at your convenience.

Respectfully,

Bob Magee
Chairman, Town of Urbana Planning Board

TOWN OF URBANA PLANNING BOARD MEETINGS
MAY 11, 1994

PRESENT: Bob Magee, Chairman
Randy Robinson, Member
Paul Wood, Member
Dave Oliver, CEO
Marsha Towner, Recording Secretary

OLD BUSINESS

Chairman Magee called the meeting to order at 7:00pm and commenced with the approval of the minutes from the meeting of April 6, 1994. There were a few minor corrections made and Robert Magee motioned that the minutes be approved as amended. Randy Robinson seconded the motion. Roll call vote was taken. All members voted "Aye."

In the matter of the Lakefront Study, Chairman Magee informed the Board that Ashley Warwick was no longer with the UDC. The person who took her place told Chairman Magee that the Board did not need a revised application. The Board has an accepted and approved grant with the village of Hammondsport and the town of Urbana. She also said that all that needs to be done is for the grant to be signed. The Village doesn't want any of the money so the grant only required one signature. Mr. Magee was going to talk to Richard Gardiner and Marsha States to see what the status was before proceeding.

The Farris Subdivision is on hold because Joe is sick. Joe does realize that there needs to be a declaration of major subdivision made. He will get back with the Board in regards to this matter when his health returns.

OPD Sign Law is in need of attention. This will be discussed at a later date.

30 days are up for SMS files to be updated. Mr. Magee will contact Chuck and inform him that action needs to be taken.

The Board will begin exchanging minutes of their meetings with the Village Planning Board, Town Board and Town ZBA in the hopes that this will keep all Boards updated on the actions of each Board's business-at-hand.

In the matter of the subdivision of Wehl to Byron Mr. Magee stated that the attorneys for both parties would be looking into the matter and will be updating the Board with the information and action taken to make this subdivision legal.

NEW BUSINESS

In regards to the Hobson Minor Subdivision, Mr. Magee stated that he would inform Mr. Hobson that the easiest way to handle his road frontage shortage would be to wait until he is owner of the parcel in question and then present the Board with his new deed and survey at which time he will need to apply for a variance from the ZBA.

Chairman Magee then addressed the topic of the Lane Concept Review. He informed the Board that Mr. Lane had received ZBA approval for his project. In a conversation with Mr. Lane, Mr. Magee discovered that Mr. Lane does not plan on beginning his demolition and rebuilding until 1995. If this is the case, the Variance will expire as it expires after one year. Mr. Lane also informed Mr. Magee that the septic system is not working properly and that this is a matter that he is trying to work out with the previous owner who sold it to him with "a working septic system."

In the matter of Mr. Jenks, the Board discussed the concerns that they have and wrote them down along with their suggestions of how some of the questionable situations could be handled. At completion of that discussion, Mr. Magee stated that he would draft a letter with the information to Mr. Jenks. The concerns and possible solutions are as follows:

1. Compliance with the Town Code--Apply to the ZBA for a temporary Special Use Permit that would allow you to continue until you have a building site.
2. Duration of time--The Planning Board would recommend to the ZBA that the permit be granted for a period of 18 months, with a provision for review should an extension be needed.
3. Fire Code compliance--The Building Inspector indicated that, for a temporary usage, he would request that fire exits be marked, fire extinguishers be available, the garage doors remain functional and unobstructed, and that occupancy be limited to less than 50 persons.
4. Watershed (sanitation) compliance--The Watershed Inspector indicated that he would calculate the projected flow rate, and should your existing system be insufficient, recommend that you supplement this system with a temporary self-contained system.
5. Parking and Route 54 ingress/egress--The Planning Board concluded that continued use of your existing parking would suffice, providing there would be no roadside parking and that persons leaving the premises were instructed not to back onto Route 54.

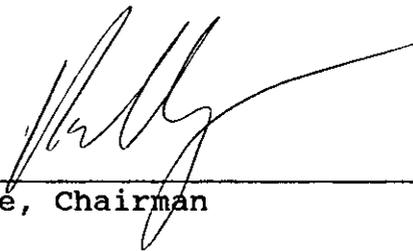
Randy Robinson then asked if the Planning Board was interested in pursuing with Brian Flynn how to have a deed plotted for the purpose of subdivision. It is a concept that the Board is interested in and Mr. Magee instructed Mr. Robinson to look into the matter and try to find information on the matter to present to the Board.

Chairman Magee then addressed the issue of the SEQR and explained to the Board that there were two types of actions that come under SEQR. A type 1 is an action that has the potential to impact the environment. This requires the SEQR to be completed. A type 2 action has no potential to impact the environment and therefore a SEQR is not required. Mr. Magee then went on to explain that SEQR is required for agricultural lands that exceed 2.5 acres that would be affected by an action applied for. He then stated that perhaps more consideration should be given to the SEQR in the action of subdivisions.

Mr. Robinson then mentioned that he was concerned that there were only three people who seemed able to make the Planning Board meetings. This could cause a problem in that the same people could get tired out, or that there was the potential of not having a quorum. Mr. Magee stated that he was concerned as well and would address this issue at the next meeting when hopefully more of the Board members would be present.

As this completed the business for the meeting, Randy Robinson motioned that the meeting be adjourned. Paul Wood seconded the motion. Roll call vote was taken and all members voted "Aye." The meeting was adjourned at 9:23pm.

Approved



Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETINGS
MAY 4, 1994 (Amended)

PRESENT: Bob Magee, Chairman
Randy Robinson, Member
Paul Wood, Member
Bill Brooks, CEO
Terry Debuck, Watershed Inspector
George Appleton, Building Code Inspector
Brian Flynn, Town Attorney

PUBLIC

PRESENT: Robert Hobson
Peter Jenks
Mr. Novak's Son-in-law

NEW BUSINESS

Chairman Magee called the meeting to order at approximately 7:00pm, and out of courtesy for the public present, commenced with new business.

The first order of business addressed was the Robert Hobson subdivision. Mr. Hobson was present to answer questions. Chairman Magee stated that there were some questions in regards to the application for Mr. Hobson's subdivision, and stated that the information was incomplete. Missing is the survey and a copy of the deed as it currently exists. Mr. Hobson stated that his existing property was made up of lots #32 and #40 on his submitted drawing. Lot #31 is between Markle, Hobson and Route 54, and this is the lot that Mr. Hobson will be purchasing and then subdividing. Mr. Hobson went on to explain who owned what parcels on his drawing. Mr. Magee asked when the transaction of lot #31 would be taking place. Mr. Hobson stated that the lawyer, Mr. McCarthy, was waiting for the survey map so that there would be a proper description for the deed. Mr. Flynn stated that the Planning Board needed a survey of the lands that were going to be owned by Mr. Hobson. After Mr. Hobson purchases Lot #31, he will subdivide it and sell a portion to Mr. Walt Peterson. Mr. Magee stated that the Planning Board will need a copy of the entire deed, and paid tax receipts for parcel #31. Mr. Hobson stated that he already had the tax receipts and so they were added to the file. Mr. Magee then informed the Board that a completed application, and sketch plat were in the file. The information pertaining to needed road footage appeared to be incomplete, and Mr. Magee informed Mr. Hobson that the required road frontage is 250 feet. Due to that fact, Mr. Hobson may need to apply to the Zoning Board of Appeals for relief in order to subdivide. After discussing the need for 250 foot of road frontage, Mr. Magee stated that there was nothing more to do until the survey maps were turned in to the Town Clerk, and the matter could then be reviewed again by the Planning Board.

The Board then turned to the matter of the Novak minor

subdivision. Mr. Novak was not present, but his son-in-law was there to represent him and answer questions. Mr. Novak has a lot of approximately 110 acres that is zoned agricultural. He wants to subdivide and transfer ownership of 44 acres to his son-in-law who will in the future be putting a mobile home on the site. On record is the completed EAF form, a copy of the deed, and a copy of a tax map with neighbors names and addresses to use as a plat map. There was a question on some of the boundary lines as shown. Mr. Flynn stated that there was a discrepancy in the number of acres that are shown on two different maps that were submitted. Chairman Magee proceeded to draw boundary lines on the map that shows Mr. Novak's 110 acres in order to identify who owned the different parcel shown on the map. Discussion followed and Mr. Magee then stated that the Board will need to know if what they drew was accurate. The information would need to be found on the deed covering the questioned 132 acres. The dimensions of the Gilbert lot would be needed as well. Mr. Magee asked if Mr. Novak had an original survey of the land as it exists presently. Mr. Novak's son-in-law did not know. The completed application and SEQOR are on file as well as a sketch plat showing the location of the portion of land to be subdivided. However; the buildings need to be identified as well as the distance of the buildings to the lot lines. Mr. Magee informed Mr. Novak's son-in-law that there was a 250 foot road frontage requirement as well as set back requirements from property lines. Five copies of the survey map is required for a declaration of a minor subdivision to be made.

Discussion followed concerning a way to inform the applicants of the information needed in order to apply for a subdivision. Bill Brooks suggested a list of necessary documents be given to the applicant so that when the Board convenes to discuss the application, the applicant can come prepared and supply all the needed information. Bill Brooks also stated that he would be willing to prepare the list, and inform the applicant of what was required before the initial meeting took place. Since Mr. Brooks was not hired to do this, he wants to get clearance from the Town Board first, after which he and Bob Magee will get together to discuss the way this will be accomplished.

The next order of business was the Jenks Concept Review. Mr. Jenks was there to answer questions. Mr. Magee asked if the original application was for a sign permit, and if it was indeed granted. Mr. Jenks answered "yes" to both questions. The existence of the sign provoked the questions that were raised concerning the formation of a church in Mr. Jenks' garage. Mr. Magee stated that some of the questions raised were best answered by Terry Debuck, George Appleton, and Bill Brooks.

Mr. Jenks stated that there was 240 feet of road frontage with a circular drive that provides two entrances/exits to the property. The garage is approximately 26' X 26'. Approximately thirty people attend each Sunday, and approximately 10 people on Wednesday night. At this time, Mr. Flynn stated that he wanted Mr. Jenks to be aware of the fact that eventually there would come a time when Mr. Jenks would need to follow the standard steps of applying for a Special

Use Permit in order to use his garage as a temporary church.

The question of parking was then addressed and Mr. Jenks stated that the cars are parked in the yard, not on the highway, and that the vehicles do not back out onto the highway when leaving.

Randy Robinson asked Mr. Jenks to define his meaning of the word "temporary". Mr. Jenks stated that the church hopes to be in a new facility or at least in the process of building a new facility within a year.

Mr. Magee addressed the question of restroom facilities. Mr. Jenks stated that there was one restroom available and that Mr. Appleton needed to inspect it. Terry Debuck stated that there were no regulations regarding a residential use of the restroom for non-residential use. Mr. Debuck stated that for a church building, the required flow rate would be 3 gallons of water per person per day. Mr. Magee asked Mr. Jenks to provide information on the septic system to Mr. Debuck so that he could calculate what the required flow rate might be in order to accommodate the number of persons who might attend the church.

Chairman Magee addressed the concern of fire protection and accessibility of fire fighting equipment. George Appleton stated that it would need to be made clear where the fire exits are. In regards to the restroom, Mr. Appleton stated that there may be a concern as to how a handicapped person might be able to access it. He then asked Mr. Jenks how the garage was heated. Mr. Jenks stated that there was a gas heater and an electric heater. He also stated that the garage doors are always accessible. Every day other than Sunday, the garage is used as a garage.

Mr. Magee informed Mr. Jenks that at some point there will be a need to know how the exterior and interior is lighted. The exterior lighting is important for safety of the parishioners. Mr. Magee also stated that due to the time, the meeting would be recessed and a more complete discussion of the Board would take place at a later date. At that time, a list of concerns that Mr. Jenks will have to address will be compiled, and an application for Sight Plan Review will need to be completed. Randy Robinson stated that Mr. Jenks should also provide accurate dimensions of his parking space, and that there should also be a specific number established for how many people can occupy the church at one time.

Mr. Magee asked if a portable restroom would be an acceptable solution to the restroom situation. George Appleton stated that that would be acceptable.

The Board then turned to the Carr Minor Subdivision and stated that Mr. LaPierre is doing all that needs to be done, and the process is underway.

The Lane concept review was than addressed and Chairman Magee stated that he had sent a letter to Mr. Lane, and Mr. Lane has not responded to the letter as of yet.

OLD BUSINESS

Mr. Magee stated that there were no minutes to approve as the secretary was not present at the meeting.

In regards to the Sign Law, Mr. Magee stated that Dick Gardiner would contact him and set a date for the Boards to meet together for a work session to discuss the revisions that the planning Board has suggested.

Chairman Magee stated that in regards to the Lakefront Study, he had questions for Dick and Brian, them being, a. Does the town want to continue to pursue along these lines, and b. Can they without the Village? He also stated that even if there is no UDC money, the same concerns will still need to be addressed and studies will still need to be made.

The Farris Subdivision needs to be a major subdivision which Mr. Farris is aware of. Due to ill health, this item is put on hold until the Board hears from Mr. Farris again.

Mr. Magee received a call from the Frank's Winery and was asked if the Board was going to proceed with the OPD Sign Law.

In regards to the Town Rezoning Study, Mr. Magee stated that he had a rough draft of a letter that he would complete and let the Board review before he mailed it to the Town Board.

The SMS files were incomplete a few months ago, and a letter was sent requesting the necessary information to bring them up to date. Chuck said that he was finishing up one more survey. Upon completion of the survey, he would provide the Board with all the information that is lacking.

Chairman Magee stated that there would be an Exchange of Minutes between the Village Planning Board and the Town Planning Board and Zoning Board of Appeals. The minutes can be exchanged even if they are not approved, but Chairman Magee stated that he would prefer to exchange minutes after they are approved.

At this point, the meeting of May 4, 1994 was recessed. Randy Robinson motioned that the meeting be recessed until May 11, 1994. Paul Wood seconded the motion. Roll call vote was taken and all members voted "Aye."

A handwritten signature in black ink, appearing to read "Randy Robinson", with a long horizontal line extending to the right.

TOWN OF URBANA PLANNING BOARD MEETING (Amended)
APRIL 6, 1994

PRESENT: Marcia Coon, Member
Randy Robinson, Member
Paul Wood, Member
Bob Magee, Chairman
Dave Oliver, CEO
Marsha Towner, Recording Secretary

Chairman Bob Magee called to order the April 6, 1994 Planning Board meeting at 7:23pm. Marcia Coon made a motion that the minutes of the March 23, 1994 meeting be approved as submitted. Paul Wood seconded. All members voted "Aye". Marcia Coon made a motion that the minutes of the March 2, 1994 meeting be approved as submitted. Paul Wood seconded the motion. All members voted "Aye".

OLD BUSINESS

Chairman Magee opened discussion of old business by addressing the matter of the Zoning Board of Appeals meeting on March 30, 1994. The Secretary reported that the ZBA had voted favorably in the case of William and Mary Lane, and that the matter of Herman LaPierre was recessed until April 20, 1994. The Secretary also reported that at the April 20, 1994 ZBA meeting, Mr. LaPierre would provide the ZBA with a detailed sketch of what he would be willing to do to make his driveway acceptable to the neighbors, William and Tammy Fitzwater.

Chairman Magee updated the Board in the matter of the Lakefront Study. He stated that he had seen new applications to the UDC and that the Village and Town were both named as applicants. Three Rivers' name was not on the application. Dick Gardiner, and Mayor Cummings are to keep the Board informed as to the progress of the UDC application.

In the matter of the Farris Subdivision, Chairman Magee informed the Board that Mr. Farris would need to apply for a Major Subdivision as the requirements for a minor subdivision had been superseded.

Chairman Magee informed the Board that the Sign Law Revisions had been completed and forwarded on to the Town Board. A work session was scheduled for April 20, 1994 to discuss off-premise directional signs, and to finish the Citizen Survey.

NEW BUSINESS

The Board turned to the application of Robert Hobson of 340 Route 54, Hammondsport, NY. Mr. Hobson has applied for a Minor

TOWN OF URBANA PLANNING BOARD MEETING
APRIL 6, 1994

PRESENT: Marcia Coon, Member
Randy Robinson, Member
Paul Wood, Member
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Dave Oliver, CEO
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NEW BUSINESS

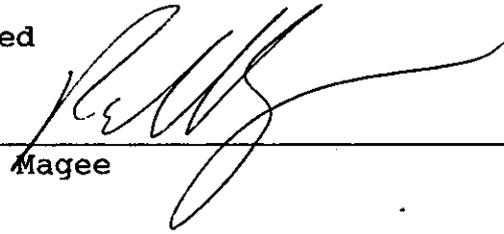
The Board turned to the application of Robert Hobson of 340 Route 54, Hammondsport, NY. Mr. Hobson has applied for a Minor

Subdivision of the above mentioned parcel into two (2) equal parts. The Board found the application incomplete and in need of a deed, field survey, and paid tax receipts. Bob Magee will notify Mr. Hobson and let him know that he can submit the missing items at the next Board meeting scheduled for May 4, 1994.

Marcia Coon addressed the Board in the matter of the Policy and Standard Report of New York Highways. The state requires only 50% of the ideal standards outlined in the report. Marcia suggested that the Board base it's decisions on the ideal standards, and in doing so, create a standard of it's own to disallow potentially hazardous situations.

As there was no further business before the Board, Randy Robinson motioned for adjournment at 8:39pm. Marcia Coon seconded the motion. All members voted "Aye."

Approved



Robert Magee

TOWN OF URBANA PLANNING BOARD SPECIAL MEETING
March 23, 1994

PRESENT:

Robert Magee
Marsha Coon
Jim Presley
Randy Robinson
Paul Wood
Brian C. Flynn, Attorney
Bill Brooks, Code Enforcement Officer

Members of the Public in Attendance: Father Peter Morrello, Herb Buckley, Sr.

A public Hearing for the Minor Subdivision of Father Peter Morrello was called to order at 7:10 P.M.E.S.T. The Board reviewed all Submissions and found that the application was complete and in compliance with the Town Code. Attorney Flynn indicated that Father Morrello had indicated that he would supply a copy of the proposed Deed specifically indicting that a Right of Way would be provided through his property. Father Morrello submitted a copy of the Deed, to be included with his application. Herb Buckley reviewed the submissions and indicated that he had no questions regarding this Subdivision. There were no additional comments or questions, and the Hearing was declared closed at 7:21P.M.E.S.T.

The Board elected to review that application following the completion of the Public Hearing, for the benefit of the applicant. All submissions were in order and Chairman Magee declared this to be a Minor Subdivision. The Board reviewed the Environmental Assessment Form, Part One, as submitted by the applicant, and completed Part Two.

Jim Presley made a motion that the Board declare this project will not result in any significant impact on the environment, therefore the Board should request that Attorney Flynn prepare the Negative Declaration and file it, seconded by Marsha Coon. A roll call vote was held:

Robert Magee -Aye
Marsha Coon - Aye
Jim Presley - Aye
Randy Robinson - Aye
Paul Wood - Aye

Paul Wood Made a motion that the Board find that the application to be complete and in compliance with the Town Code, and that the Board approve the application of Father Peter Morrello, and instruct the Chairman to sign the Survey. Seconded by Jim Presley. A roll call vote was held:

Robert Magee -Aye
Marsha Coon - Aye
Jim Presley - Aye
Randy Robinson - Aye
Paul Wood - Aye

Under Old Business:

The Board completed the final review of the Town Sign Law and Chairman Magee will submit it to the Town Board for their review. It would be requested that a work session be scheduled with the Town Board to conduct a final Review. It was also to be requested that the Sign Law would be formally presented to the Town Board at the next regular Town Meeting, and at this time, it would be requested that a Public Hearing be scheduled.

The Board reviewed the files of the La Pierre project and formulated an opinion for submission to

the ZBA. It was decided that the opinion be as follows:

Should the Zoning Board of Appeals grant a favorable decision in this matter we would request that:

The decision take into consideration the neighbors' concerns by requiring the applicant to provide suitable fencing and evergreen screening to provide the neighbor with a visual and sound barrier.

That the applicant bring his existing fence into compliance.

That the applicant is aware that all existing and future structures and drives meet any setback requirements.

That the parcel of property upon which the driveway is located be brought into compliance by successfully undergoing the Subdivision Process.

That the driveway is in fact on Mr. LaPierre's property. There is a question as to whether or not the existing driveway encroaches on property owned by Mr. Carr.

In the matter of the Lane project, the Board agreed to notify Mr. Lane that a concept review would be beneficial in resolving the various concerns regarding his application.

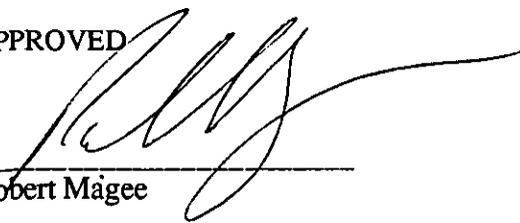
In the matter of the Jenks project, the Board agreed to notify Mr. Jenks that a Concept/Site Plan Review would be required.

Under New Business:

The Board reviewed the Application for subdivision as submitted by Joe Farris. It was determined that this project would be a Major Subdivision, and therefore a new application and additional submissions were required.

Motion was made by Jim Presley to adjourn the meeting at 10:52 P.M.E.S.T., seconded by Randy Robinson, all voted "aye".

APPROVED



Robert Magee

TOWN OF URBANA PLANING MEETING
MARCH 2, 1994

PRESENT: Robert Magee, Chairman
Marcia Coon, Member
Jim Presley, Member
Randy Robinson, Member
Paul Wood, Member
Brian Flynn, Town Attorney
Marsha Towner, Recording Secretary

PUBLIC

PRESENT: Father Peter Morello

Chairman Magee called the meeting to order at 7:13pm, and in consideration of Father Morello, began with the order of new business.

NEW BUSINESS

Father Peter Morello was present at the meeting to review with the Board his proposal to subdivide 5 acres of property into two 2.5 acre parcels. It is noted that Father Morello's file is up to date with all the following documents contained therein: copies of tax receipts, the completed application, a sketch plat, SEQR part 1 completed and signed, 3 survey maps, tax maps with adjoining property owners, a copy of the deed, and a receipt showing that \$50 application fee has been paid.

Attorney Flynn advised the Board that they should request a written statement from Father Morello granting access to the parcel of land being sold. Chairman Magee informed Father Morello that this would be necessary. Father Morello will comply with the request.

Paul Wood made the motion that Father Morello's subdivision be classified as a minor subdivision. Randy Robinson seconded the motion. Roll call vote was taken. All members voted "Aye".

A Public Hearing for the case of Father Morello was scheduled for March 23, 1994 at 7pm.

In review of the minutes from December 1, 1993, Jim Presley motioned to accept as amended. Paul Wood seconded the motion. Roll call vote was taken. All members voted "Aye".

In review of the minutes from January 5, 1994, Jim Presley motioned to accept as amended. Randy Robinson seconded the motion. Roll call vote was taken. All members voted "Aye".

In review of the minutes from February 2, 1994, Jim Presley motioned to accept as amended. Marcia Coon seconded the motion. Roll call vote was taken. All members voted "Aye".

In review of the minutes from February 9, 1994, Jim Presley motioned to accept as amended. Marcia Coon seconded the motion. Roll call vote was taken. All members voted "Aye".

OLD BUSINESS

In the matter of the Lakefront Study, Chairman Magee informed the Board that at the meeting of the Town and Village Planning Boards and Boards, it was stated by Al Clark that the Study was a "go", but that the money for the study somehow got "lost" somewhere between Albany and the UDC. It was resolved that the Mayor and the Supervisor would together look into the matter of the lost funds, and report back to the Boards.

Chairman Magee informed the Planning Board that the Village and the Town Planning Boards would from this point on be sharing minutes from their separate meetings. This way both Boards would be abreast of the opinions of each other.

At Chairman Magee's request, the Board then reviewed the letter that will be sent to the Village Board from the Town of Urbana Planning Board in regards to the Proposed Rezoning for Condominium Development Project and the Lakefront Study. The amendments will be noted, and a copy of the final draft of the letter will be filed with the minutes of this meeting.

In review of the Easy Plus Application for a Special Use permit, Chairman Magee informed the Board that according to Dave Oliver, a complete packette from LaPierre for a Special Use Permit for his driveway is on file, and the ZBA will act on this case on March 30, 1994. The Planning Board was asked to review the case for their opinion to the ZBA. After discussion in regards to this matter, it was determined that the Survey on file is not acceptable because it is a Lane/Vogt Survey. Dave Oliver will be notified, and further discussion of this matter will be tabled until March 23, 1994. Chairman Magee requested that Attorney Flynn be present at the March 23, 1994 meeting. Mr. Magee requested Attorney Flynn provide some history on the land that is in question, and also some legal advice as to what the course of action in this matter might be.

In review of the Variance Application of William Lane it was determined that the Board has questions concerning the septic at this site. A note will be sent to Dave Oliver stating that the

Board requests a concept review. The ZBA will be notified that not enough information is provided to form an opinion on dimensional relief.

Chairman Magee brought before the Board two cases of subdivisions that were not done properly, and in the process of being filed at the County Clerk's office, the errors were discovered.

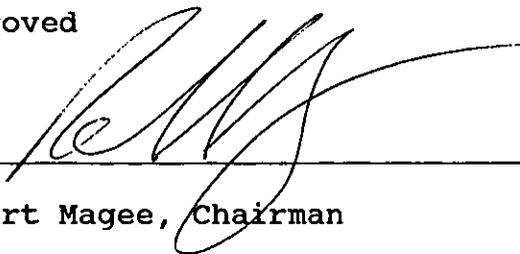
The first subdivision was for Gerry M. Ryan of 7845 Bean Station Rd. The frontage is 50 feet short of the 250 feet requirement. Mr. Ryan also failed to apply for the subdivision. It was determined that the CEO will write Mr. Ryan a letter informing him of these findings.

The second subdivision in question was for SMS Partners. It is noted that SMS Partners is failing to provide surveys of the parcels that are being sold. Chairman Magee will write a letter to Mr. Shaw requesting that the surveys be provided.

A work session for Sign Law Review is scheduled for March 9, 1994.

As there was no further business before the Board, Randy Robinson made a motion to adjourn the meeting. Jim Presley seconded the motion. All members voted "Aye". Meeting adjourned at 9:30pm.

Approved



Robert Magee, Chairman

TOWN OF URBANA PLANNING MEETING
FEBRUARY 2, 1994

PRESENT: Robert Magee, Chairman
Jim Presley, Member
Randy Robinson, Member
Paul Wood, Member
Marcia Coon, Member
Brian Flynn, Town Attorney
Marsha Towner, Recording Secretary

Chairman Magee called the meeting to order at 7:23pm. Chairman Magee noted one correction to the minutes of the December 1, 1994 meeting, and directed the secretary to amend the minutes.

In reviewing the minutes from the January 5, 1994 meeting, Randy Robinson noted one correction. Randy Robinson motioned to amend the minutes. Jim Presley seconded the motion. Roll call vote was taken. All members voted "Aye". The Chairman directed the secretary to amend the minutes.

OLD BUSINESS

Chairman Magee updated the Board on the situation of the Easy Plus Mart. Mr. LaPierre stated in writing that he will apply for a special use permit. He also verbally stated that he would make concessions to the Fitzwaters. As of the Board meeting on February 2, 1994, there was no application filed in the Town Office by Mr. LaPierre for the special use permit.

The Board then received an update on the Lakefront study from Chairman Magee and Brian Flynn. Discussion followed. Jim Presley then made a motion to send resolutions to the Town Board to implement the joint study, and bring the Town of Urbana back into involvement with the Lakefront study. Marcia Coon seconded the motion. Roll call vote was taken. All members voted "Aye". Chairman Magee requested that the Town Attorney, Brian Flynn try to obtain the original first draft of the UDC application, and any documentation from the UDC stating that they had to redefine the scope of the land-use study.

NEW BUSINESS

Chairman Magee informed the Board that they needed to review the application for the Bill Garrison subdivision and make an official classification of it being a minor subdivision. On file is the SEQOR with Part 1 completed, a completed application form, a sketch plat, 5 copies of the survey, the names of adjoining property owners, tax map information, tax receipts, and a copy of the deed. Jim Presley made the motion to classify Mr. Garrison's

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subdivision as a minor subdivision. Paul Wood seconded the motion. Roll call vote was taken. All members voted "Aye". Public hearing is scheduled for February 9, 1994.

As there was no further business, Jim Presley made the motion to adjourn the meeting at 9:35pm. Paul Wood seconded the motion. Roll call vote was taken. All members voted "Aye."

Approved



Robert Magee