Planning Board

1996

TOWN OF URBANA PLANNING BOARD MEETING
DECEMBER 4, 1996

PRESENT: Robert Magee,Chairman
John Jensen, Member
Jim Presley, Member
Randy Robinson, Member
Marcia Coon, Member
Terry DeBuck, CEO

OTHERS: Richard Yartym

Chairman Magee called the meeting to order at 7:15 P.M.

Under Old Business the Carr subdivision was discussed. This matter is still pending as the Survey has not been submitted.

The Code Enforcement Officer asked that the Planning Board discuss the Snug Harbor request. Matters discussed were the feasibility of the right-of-way, set backs, septic, intensificiation of use and special use permits. Snug Harbor is to supply the board with the square foot of customer area and number of parking spaces.

The Board held a discussion on Dick Yartym application and the board is not bound by past board decisions and the board may withhold current action based on zoning violations. Discussion was held concerning zoned highway business, minimum lot density, and set backs. CEO DeBuck has concerns regarding the dimensions of business septic from the proposed new lot line and parking for the business. After much discussion, Mr. Yartym advised the Planning Board that he was changing his application to a minor subdivision and he will submit a new survey showing a total of 4 lots. Other information requested of Mr. Yartym was a new complete application; 5 copies of new survey showing set backs, easements, etc.; watershed report and paid tax receipts. The Board will hold any further discussion on this matter until all of the submissions are received.

The Board received a formal petition for rezoning from Mercury. Chairman Magee stated that as of November 1996, the Town Board has the final say as to rezoning. Chairman Magee is to request from Counsel that he advance a time line and a list of procedure to complete the request legally and ethically. Chairman Magee will request from Mercury a map of buildings, roads and proposed uses. It is the board official position to wait until they hear from Counsel regarding procedures to respond to Attorney Joint.

The Board Members are to review the Michaelson subdivision application before the next meeting.

As there was no further business to discuss, Jim Presley made motion to adjourn and John Jensen seconded said motion. All present voted "Aye". Meeting was adjourned at 9:05 P.M.

APPROVED:

ROBERT MAGEE, CHAIRMAN

TOWN OF URBANA PLANNING BOARD MEETING
NOVEMBER 6, 1996

PRESENT: Robert Magee, Chairman
John Jensen, Member
Marcia Coon, Member
Terry DeBuck, CEO
Marsha Towner, Recording Secretary

PUBLIC
PRESENT: none

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

The first item of business was an update on the progress of obtaining a complete file on the Claire Carr Subdivision. The Tax Maps have been submitted, and Mr. Lapierre is trying to obtain the survey. As soon as the survey is submitted, the Planning Board can proceed.

Tim Tompkins, on behalf of Snug Harbor, has submitted an application for a building permit for the purpose of constructing a residence structure between the road and the concrete wall on the Snug Harbor lot. Upon receipt of the application, CEO Terry DeBuck informed Mr. Tompkins via letter that he felt it necessary to obtain an advisory opinion from the Planning Board before processing the application. Said opinion has been obtained from the Planning Board and is filed with the minutes of this meeting.

Mr. DeBuck was present at this meeting to discuss the proposed construction with the Planning Board. He informed the Board that the setback requirements could be met, although there is a question regarding the required separation between structures. There is a maximum lot coverage requirement that needs to be maintained as well. Also to be considered in this matter is the fact that past decisions from the ZBA limit future uses of Snug Harbor as a Bed and Breakfast or form of transient housing.

Mr. Magee led further discussion by going through the code line by line to try to identify all aspects of the existing business and structures and how the proposed construction would relate to the code. Mr. Tompkins is trying to find out what the zoning requirements would be for the proposed construction. This would determine whether or not he proceeds with further application.

The board concluded discussion of the Snug Harbor project with the determination that there are many issues that need to be addressed in more detail. There is not substantial information regarding NYSDOT right of ways, septic, parking, how the code would relate to the residential premises if it is leased as a business,

and the state laws regarding sales tax on transient rentals. Mr. Magee stated that he would send a letter to Brian Flynn asking for his expert advice and opinions on the unclear issues.

The board moved on to discuss the Mercury Aircraft application whereby they are seeking a special use permit for retail sales and food service. The application for the special use permit was denied because retail sales/food service are not designated uses by right or by special use permit in the Industrial District per Town of Urbana Zoning Code 105-12 (see letter of 10/9/96 from CEO, Terry DeBuck). Mercury can apply for an amendment to the zoning law by writing a letter of request to the Town Board. Marcia Coon stated that Mercury has asked Attorney William Joint to look into the possibility of amending the zoning law, and if amendment is possible, to outline the process that would need to be followed.

Mr. Magee has talked with the Chairman of the Town Board, Dick Gardner, and they are in agreement that the two Boards work together on the Mercury project. It is also noted that Marcia Coon will be involved with the Board's discussion of the Mercury project, however will withdraw herself from any voting that takes place regarding the same. Mr. Magee also stated that he does business with Mr. Lehrman and so would also withdraw from any vote whereby he might be seen as having a prejudiced opinion. The Boards will be looking at the possibility of amending the Industrial District zoning code for the Mercury project and all future projects that may be introduced to the Industrial District.

The final topic of discussion is the Hutchinson application for setback requirement variance for a completed project at 270 West Lake Road, Hammondsport. In question is a support post for the porch roof. Mr. Magee suggested that this matter be tabled until all members have had the opportunity to go to the site and see the post in question, afterwhich he will take a phone poll and then submit an opinion to the ZBA in time for their November 21, 1996 meeting.

As there was no further business to discuss, Marcia Coon moved for adjournment. John Jensen seconded the motion. The meeting was adjourned at 10:00pm.

Approved,

Robert Magee

Town of Urbana

41 Lake Street
Hammondsport, New York 14840-0186

Supervisor
607-569-374

Town Clerk
607-569-374

Fax #
607-569-241

10/9/96

Mercury Aircraft Inc.
17 Wheeler Ave.
Hammondsport, N.Y. 14840
Att: Marcia Coon

Dear Marcia,

The application you submitted for Mercury Aircraft, for a proposed use of Retail Sales / Food Service to be located at Bldg. #23, Co Rt 88 has been reviewed for Zoning and must be Denied because Retail Sales / Food Service are not designated uses by right or by special use permit in the Industrial District per Town of Urbana Zoning Code 105-12.

If you have any questions, please contact this office.

Sincerely,

Terry DeBuck

Terry DeBuck
Town of Urbana
Zoning Officer
607-569-3707

TOWN OF URBANA PLANNING BOARD MEETING
October 22, 1996

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
John Jensen, Member
Jim Presley, Member

PUBLIC PRESENT: Francis and Geraldine Newman

Chairman Magee called the Haag Major Subdivision Public hearing to order at 4:35 P.M.

Mr. and Mrs. Newman were present to object to having hunters on the property that is to be subdivided because of the danger that it would impose. Chairman Magee informed the Newman's that the Planning Board could not make such a requirement and suggested that they contact the Department of Environmental Conservation with their concern. There being no other persons present to support or oppose the subdivision, the Chairman closed the Public Hearing at 4:45 P.M.

The Chairman opened the Special Meeting at 4:46 P.M. to discuss the Haag Major Subdivision.

Upon review of the information recorded on the EAF, Parts 1,2 and 3 if appropriate, and any other supporting information and considering both the magnitude and importance of each impact, it was 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 the motion that a Negative Declaration be prepared. Randy Robinson seconded his motion. A roll call vote was taken: Robert Magee - Aye
Randy Robinson - Aye
John Jensen - Aye
Jim Presley - Aye

It is the determination of the Planning Board that the Major Subdivision application of Warren Haag meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Jim Presley made the motion to approve the Haag Major Subdivision as submitted and to instruct the Chairman to sign the Survey. Randy Robinson seconded this motion. Roll Call Vote was taken:

Robert Magee - Aye
Randy Robinson - Aye
John Jensen - Aye
Jim Presley - Aye

There being no further business to conduct, Jim Presley made the motion for adjournment, seconded by John Jenson. All members voted "Aye". The meeting was adjourned at 5:10 P.M.

APPROVED:

ROBERT MAGEE, CHAIRMAN

TOWN OF URBANA PLANNING BOARD MEETING
October 3, 1996

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
Marcia Coon, Member
Jim Presley, Member
John Jensen, Member
Terry DeBuck, CEO
Brian C. Flynn, Counsel

PUBLIC PRESENT: Mr. Haff
Attorney Plaskov
Paul Wood

Chairman Magee called the meeting of the Planning Board to Order at 7:06 P.M.

OLD BUSINESS:

The first item of business was the Haag Subdivision. Surveys were presented to show parcels that were previously conveyed to Mr. Haff as well as those which are to be retained by Mrs. Haag. A letter dated March 18, 1996 authorizing Joe Latham to represent Mr. Haag was presented. The Board reviewed the subdivision check list and found the application to be complete with the exception of the current 1996 paid tax receipts. It was determined that this would be declared a Major Subdivision consisting of eight (8) lots. Jim Presley made the motion to declare the application complete for a major subdivision. Marcia Coon seconded the Motion. A Roll call vote was taken:

Robert Magee - Aye
Jim Presley - Aye
Randy Robinson - Aye
Marcia Coon - Aye

A Public Hearing was scheduled for October 22, 1996.

Chairman Magee read a letter which he had authored to be sent to Mike Cook regarding his concerns of the matters the Planning Board had discussed at his Site Plan Review meeting. The letter asked Mr. Cook to give his concerns, in writing, to the Planning Board and that they would meet with him at his earliest convenience to discuss the concerns.

Discussions was held regarding the Clair Carr subdivision and Attorney Flynn agreed to check on the requirements of LaPierre Subdivision to formally subdivide the Carr Property.

NEW BUSINESS:

The Board responded to questions from CEO DeBuck regarding the anonymous letter he received as to the Rotary Club Event that was held at Olde Germania Winery and the similar event held at Heron Hill Restaurant. The questions was as to whether it was a permitted use as they were advertised as Restaurants. The Planning Board asked Attorney Flynn whether or not a liquor license was needed for this type of event and Attorney Flynn advised the Board that such was not required as they have a license to serve Wine and that it was a permitted use.

CEO DeBuck informed the Board that no preparation of food was done on the site that the food was prepared by a catering service.

There being no further business to discuss, Jim Presley made a motion to adjourn, and this was seconded by Marcia Coon. Roll Call vote was taken:

Robert Magee - Aye
Randy Robinson - Aye
Marcia Cook - Aye
Jim Presley - Aye
John Jensen - Aye

The meeting was adjourned at 9:00 P.M.

APPROVED:

ROBERT MAGEE, CHAIRMAN

TOWN OF URBANA PLANNING BOARD MEETING
SEPTEMBER 4, 1996

PRESENT: Robert Magee, Chairman
Randy Robinson, Member
John Jensen, Member
Jim Presley, Member
Marsha Towner, Recording Secretary

PUBLIC
PRESENT: Kevin Para

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

The first item of business was the approval of the minutes from previous meetings. John Jensen made the motion to accept the minutes of June 17, 1996 and June 22, 1996 as submitted. Bob Magee seconded the motion. Roll call vote was taken and all members voted "Aye". Jim Presley made the motion to approve the minutes of July 3, 1996 as submitted. John Jensen seconded the motion. Roll call vote was taken and all members voted "Aye". AMENDED KM 2/25/97

Mr. Magee then addressed Kevin Para ~~and asked him to~~ WHO explained to the Board his reason for attending the meeting. Mr. Para explained that he is seeking to buy a 2.003 acre lot from his mother's lot of 43.835 acres. He stated that there is a deeded right-of-way, THROUGH HIS LOT and bordering property of unknown ownership that he is also trying to acquire and annex to the 2.003 lot. There is a substandard total of 142.55 feet of road frontage on the 2.003 lot. Acquiring the bordering property would bring the road frontage up to code.

After reviewing Mr. Para's file, Chairman Magee stated that the submissions are complete except for paid tax receipts. Mr. Para indicated that the taxes would be paid out of the proceeds of the sale, and that he would not have receipts until that time. Mr. Magee directed Mr. Para to obtain a letter from his attorney, Peter Baker that indicates the taxes will indeed be paid at closing. Said letter would be placed on file. Mr. Para stated that he would comply with Mr. Magee's request.

As there was no further discussion, Jim Presley made the motion to accept the application of Kevin Para for subdivision, and to declare it as a minor subdivision based upon the fact that there are less than 4 parcels being created by the subdivision. John Jensen seconded the motion. Roll call vote was taken and all members voted "Aye". The date of September 18, 1996 was set for the Public Hearing regarding this case.

The Board then moved to the matter of the Brian Smalt subdivision. The lot in question is land locked. There were no

representatives for this matter at the meeting. Mr. Magee stated that he would contact Attorney Bob Plaskov regarding the matter of no road frontage and that this matter would be further discussed after receipt of more information.

The Planning Board then prepared its opinions on the matters of Stachnik, Jenks and Grigsbey to be presented to the Zoning Board of Appeals for its meeting September 5, 1996 on said matters. After discussion, the Board concluded with the following opinions:

The ZBA should not rehear the Stachnik matter. The applicants must take their appeal to the Supreme Court as per Section 105-61 of the code.

The Jenks application meets with the Planning Board's approval.

Marilyn Grigsbey's application for variance of setback requirements should not be granted as no hardship is presented, the project can be properly placed to meet code, the building of the garage as proposed would further encroach the neighboring property, and it contradicts the comprehensive plan set forth by the Planning Board.

As this concluded all matters before the Board, Jim Presley made the motion for adjournment. John Jensen seconded the motion. Roll call vote was taken and all members voted "Aye." The meeting was adjourned at 10:00 PM.

Approved,

Robert Magee

TOWN OF URBANA PLANNING BOARD MEETING
August 7, 1996

PRESENT: Robert Magee, Chairman
Jim Presley, Member
Marcia Coon, Member
John Jensen, Member
Randy Robinson, Member

PUBLIC PRESENT: Roy Ford
Robert Cole, Esq.

The August 7, 1996 meeting of the Town of Urbana Planning Board was called to order at 7:10pm.

The Board held a Public Hearing to discuss the matter of the Roy Ford subdivision. Mr. Ford has applied to divide a lot of 117.401 acres into three parcels with separate lot sizes of 17.526, 17.991 and 81.884 acres. The property is located at 8772 Lockwood Road, Savona, NY 14879.

This subdivision was declared a minor subdivision at the July 3, 1996 meeting as there are less than 4 parcels involved. It is also determined that all lots involved are of proper size and have adequate frontage.

In reviewing the file, Mr. Magee noted that the application is complete and all required documents have been submitted. The Board reviewed and completed the SEQR. 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. John Jensen seconded the motion. Roll call vote was taken and all members voted Robert Magee, "Aye"
Randy Robinson, "Aye"
Jim Presley, "Aye"
John Jensen, "Aye"
Marcia Coon, "Aye"

It is the determination of the Planning Board that the Minor Subdivision application of Roy Ford meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Marcia Coon made a motion to approve the Roy Ford subdivision as submitted, and to instruct the Chairman to sign to survey. Jim Presley seconded the motion. Roll call vote was taken and all members voted,
Robert Magee, "Aye"
Randy Robinson, "Aye"
Jim Presley, "Aye"

John Jensen, "Aye"
Marcia Coon, "Aye"

As this concluded the proceedings for the Roy Ford Subdivision, the Board moved on to the Preliminary Hearing of the Hospital Subdivision. Attorney Bob Cole served as representative for the Hospital, and indicated that on November 28, 1990, the Keuka Haven Subdivision was done whereby 69 acres were subdivided into two separate lots; one being 40 acres and the other being 29 acres. Attorney Cole stated that the deeds were incorrect and that they needed to be corrected and filed. He will be attending to this matter and will then contact the Board when able to proceed. The property in question is the same property that the Harvest Baptist Church is interested in purchasing for the construction of its church building. As there was nothing more that could be done at this time, and there was no further discussion, John Jensen made the motion to adjourn. Marcia Coon seconded the motion. Roll call vote was taken and all members voted Robert Magee, "Aye"
Randy Robinson, "Aye"
Jim Presley, "Aye"
John Jensen, "Aye"
Marcia Coon, "Aye"

The August 7, 1996 meeting was adjourned at 8:30pm.

Approved,

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
July 3, 1996

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

PUBLIC
PRESENT: Roy Ford

The July 3, 1996 meeting of the Town of Urbana Planning Board was called to order at 7:04pm. The first item of business was the approval of the minutes from the meeting of May 1, 1996. Jim Presley motioned the minutes be approved as submitted. Marcia Coon seconded the motion. All members voted

Robert Magee,	"Aye"
Jim Presley,	"Aye"
John Jensen,	"Aye"
Marcia Coon,	"Aye"
Randy Robinson,	Abstained

The board then turned to the matter of the Roy Ford subdivision. Mr. Ford has applied to divide a lot of 117.401 acres into three parcels with separate lot sizes of 17.526, 17.991 and 81.884 acres. The property is located at 8772 Lockwood Road, Savona, NY 14879.

Mr. Jensen made the motion to declare this a minor subdivision as there are less than 4 parcels involved. Randy Robinson seconded the motion. Roll call vote was taken, and all members voted

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
John Jensen,	"Aye"
Marcia Coon,	"Aye"

In reviewing the file, Mr. Magee noted that two surveys, the $75.00 application fee, and the completed SEQR are still needed in order to complete the application. Mr. Ford stated that he would take care of all three within the next few days. Mr. Magee stated that he would try to schedule a public hearing on this subdivision for July 24, 1996. As there was no further discussion on this matter, the Board excused Mr. Ford, and moved onto the matter of the Glenn Curtis Museum Sign.

The Museum has applied to the ZBA for a variance in order to paint a sign approximately 800 square feet on the top portion of two sides of its building. This exceeds the allowed size. The meeting of the ZBA is scheduled to take place on July 25, 1996, and

after discussion, the Planning Board decided that a favorable opinion will be sent to the ZBA.

Mr. Magee then informed the Board that in October of 1988, a subdivision was approved for Harold Bishop. However, the surveys were never stamped or signed. When the matter was brought to Mr. Magee's attention, he contacted Attorney Brian Flynn who looked up case law and determined that the surveys could be stamped at this time and then filed with the County Clerk. As per John Jensen's suggestion, copies of the October 1988 meeting showing approval of the subdivision will be obtained prior to Mr. Magee signing the surveys.

A preliminary hearing for the Frank Bourke subdivision was then held. As there was insufficient information, the Board declined to discuss the subdivision other than to determine that more time was needed to obtain and review the necessary information and documentation of the subdivision.

As there was no further business to discuss, Marcia Coon made the motion for adjournment. Bob Magee seconded the motion. Roll call vote was taken, and all members voted

Robert Magee,	"Aye"
Randy Robinson,	"Aye"
Jim Presley,	"Aye"
John Jensen,	"Aye"
Marcia Coon,	"Aye"

This meeting of the Planning Board was adjourned at approximately 8:30pm.

Approved,

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
June 22, 1996

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member

PUBLIC
PRESENT: Leonard Martin
John Drake, (POA as per notarized document)

The June 22, 1996 meeting of the Town of Urbana Planning Board was called to order at 7:00pm. The only item of business was the Thibodeau/Martin subdivision known as "Leonard's Split". It was previously determined that this is a minor subdivision of a 2.010 acre lot being subdivided into two lots, those being 0.764 acres and 1.337 acres respectively. The application for this subdivision is complete, and it is noted that the purpose of this subdivision is to increase the size of the Martin frontage by 100'. The resulting frontage for both lots will be Thibodeau, 150', and Martin, 200'. This results in Martin's sub standard lot being brought into conformance with code as required in a flood plain district.

The Board went on to complete the SEQR 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 was reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact on the environment. Randy Robinson made the motion to declare a negative SEQR impact. John Jensen seconded the motion. Roll call vote was taken, and Bob, Randy and John all voted "Aye".

It was also the determination of the Planning Board that the Minor Subdivision application of Thibodeau/Martin met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Therefore, John Jensen made the motion to approve the Tutino subdivision as submitted, and to instruct the Chairman to sign to survey. Randy Robinson seconded the motion. Roll call vote was taken, and Bob, Randy and John all voted, "Aye".

The Board wanted it recorded in the minutes of this meeting, that Mr. Martin has been instructed and understands that this new parcel must be added to his current lot, and that there can be no sale of the acquired lot at any time separate from the whole part of his lot.

As there was no further business to conduct, Randy made the motion for adjournment. John seconded the motion. A unanimous roll call vote was taken. This meeting was adjourned at 7:30pm.

Approved,

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
June 17, 1996

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member

PUBLIC
PRESENT: Theresa Scofield

The June 17, 1996 meeting of the Town of Urbana Planning Board was called to order at 7:04pm. The only item of business was the Public Hearing for the Carmela Tutino subdivision. Ms. Scofield was present to explain and answer questions concerning this subdivision. The lot to be subdivided is located at 7364 Porter Road. Ms. Tutino proposes to subdivide the one lot into two lots, those being 10 acres and 39 acres respectfully.

Mr. Magee noted that the file was complete. It is noted that a watershed report is also on file due to the fact that there is a house on the lot to be subdivided.

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 was reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact on the environment. Randy Robinson made the motion to declare a negative SEQR impact. John Jensen seconded the motion. Roll call vote was taken, and Bob, Randy and John all voted "Aye".

It was also the determination of the Planning Board that the Minor Subdivision application of Carmela Tutino met the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Therefore, John Jensen made the motion to approve the Tutino subdivision as submitted, and to instruct the Chairman to sign to survey. Randy Robinson seconded the motion. Roll call vote was taken, and Bob, Randy and John all voted, "Aye".

As there was no further business to conduct, Randy made the motion for adjournment. John seconded the motion. A unanimous roll call vote was taken. This meeting was adjourned at 7:30pm.

Approved,

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
May 1, 1996

PRESENT: Robert Magee, Chairman
Jim Presley, Member
Marcia Coon, Member
John Jensen, Member
Marsha Towner, Recording Secretary

The May 1, 1996 meeting of the Town of Urbana Planning Board was called to order at 7:04pm. The first item of business was the approval of the minutes from previous meetings. Marcia Coon motioned the April 10, 1996 minutes be approved as submitted. Chairman Magee seconded the motion. All members voted

Robert Magee, "Aye"
Jim Presley, "Aye"
John Jensen, "Aye"
Marcia Coon, "Aye"

Jim Presley made the motion to approve the minutes from the April 24, 1996 meeting. Chairman Magee seconded the motion. All members voted Robert Magee, "Aye"
Jim Presley, "Aye"
Marcia Coon, "Aye"
John Jensen, "Aye"

The Board then moved onto the matter of Linda Baird and her request to move a trailer onto her property for storage. Following discussion, the Board concluded that according to section 78-2 of the Town Code, the trailer must be currently registered and licensed in order to allow it to be on the premises. Section 105-4 of the law refers to junkyards, and therefore would not be relevant to this situation. Section 105-44 addresses the pre-existing, non-conforming situation such as Clark's Specialty. Section 88-7 B. is in reference to the sign law, which states that there will be no off premise signs. Therefore, Ms. Baird could not use this trailer as a sign along route 54. If Ms. Baird meets the requirements of section 78-2, she can have the trailer on her property for storage.

Mr. Chairman went on to inform the Board that Mr. Cook had submitted the SEQR long form. The Board completed the 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 action will not result in any large and important impact on the environment. Jim Presley made a motion that a Negative Declaration be prepared. Marcia Coon seconded the motion. All members voted

Robert Magee, "Aye"
Jim Presley, "Aye"
John Jensen, "Aye"
Marcia Coon, "Aye"

Mr. Magee then asked for a motion to accept the findings in this matter (which are recorded with the minutes of this meeting). Jim Presley made the motion to accept the findings. John Jensen seconded the motion. Roll call vote was taken and all members voted Robert Magee, "Aye"
Jim Presley, "Aye"
John Jensen, "Aye"
Marcia Coon, "Aye"
This completed the site plan review for Mr. Cook and the permits required may be issued. Mr. Magee will send a letter to inform Mr. Cook that the process is complete.

The next item of business was the Haag subdivision. Mr. Magee informed the Board that he had received a letter from Attorney Plaskov with a copy of a letter from the surveyor that stated the Haag property had been surveyed and is larger that 5 acres. This letter does not satisfy the need for a survey. Mr. Magee stated that he would send copies of this correspondence to Attorney Flynn and ask Attorney Flynn to advise.

Mr. Mageee informed the Board that the tax receipts have been submitted in the matter of the Martin subdivision. Therefore, the date of the Public Hearing was set for May 22, 1996 at 7pm.

The Board then discussed the application of David Remchuk that will be heard by the ZBA on May 30, 1996. Mr. Remchuk is requesting relief from set back requirements so that he can build a deck for property owner Turgen Koch. Said property is located at 360 East Lake Road, Hammondsport, NY. The Planning Board will submit their opinion to the ZBA that this request be denied and set back requirements be maintained unless there are extenuating circumstances not evidenced in the application.

The Board then engaged in an informal discussion of the zoning map and comprehensive plan amendments. The first question being, "where to start?" Mr. Chairman requested that between May 1 and May 22, 1996, the Board consider what they think should be the next step. Further discussion will take place on May 22, 1996.

As there was no further business, Jim Presley made the motion for adjournment. Marcia Coon seconded the motion. Roll call vote was taken, and all members voted Robert Magee, "Aye"
Jim Presley, "Aye"
John Jensen, "Aye"
Marcia Coon, "Aye"

Meeting was adjourned at approximately 8:30pm.

Approved,

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
April 24, 1996

PRESENT: Robert Magee, Chairman
John Jensen, Member
~~Marcia Coon, Member~~
Jim Presley, Member
Terry DeBuck, CEO
Marsha Towner, Recording Secretary

PUBLIC
PRESENT: Linda Baird
Leonard Martin

The April 24, 1996 meeting of the Town of Urbana Planning Board was called to order at approximately 7:05pm. The first item of business was the formal, spoken request of Linda Baird "to move a 40' tractor trailer currently located on Route 54, to the Cielito Lindo restaurant where it will be used for storage of dry goods and empty bottles." This trailer would be moved by Ferris Trucking. Ms. Baird also stated that she would have the trailer painted so as to improve its appearance. Ms. Baird's first request for this action was spoken to Terry DeBuck, CEO, on April 2, 1996. Mr. DeBuck informed Ms. Baird that he would need to research the Town Code before approval/denial could be given. Chairman Magee instructed Ms. Baird to put her request in writing, giving complete detail of her request. Ms. Baird opted to come to the Board meeting and make her request verbally. The Board determined that with the formal, verbal request now made, and the details defined, they would consider the request and notify Ms. Baird in a timely matter as to the Town Code requirements concerning her request.

Mr. Magee then turned to the Thibodeau/Martin subdivision. It is noted that the additional $30.00 needed to complete the application fee has been paid to Chairman Magee and placed in the Clerk's safe. The property to be subdivided is owned by Mr. Thibodeau whose Power of Attorney is Jack Bishop. Mr. Thibodeau plans to subdivide 100' of frontage to Mr. Martin thus making Mr. Martin's frontage a total of 200'. Mr. Magee stated that the application is complete except for paid tax receipts which are in Mr. Bishop's possession. Mr. Martin stated that he would be able to get these within the next few days. Mr. Magee informed Mr. Martin that as soon as the tax receipts are filed with the application, he will instruct the Town Clerk to schedule and advertise the public hearing. After reviewing Mr. Thibodeau's application for subdivision, the Board made the determination that this is classified as a minor subdivision. Mr. Presley made the motion for minor subdivision. Mr. Jensen seconded the motion. Roll call vote was taken, and all members voted Robert Magee, "Aye"

Jim Presley, "Aye"
~~Marcia Coon, "Aye"~~
John Jensen, "Aye"

The Board then reviewed the draft results of the site plan review requirements concerning the application of Michael Cook. Said draft is filed with the minutes of this meeting. It is further noted that Mr. Cook submitted a computerized, scale drawing of the available parking spaces. This drawing shows space enough for 12 cars to be parked on the premises. In reviewing the file, Mr. Chairman noted that a SEQR short form was submitted. The Board requested that Mr. Cook be instructed to submit a SEQR long form for their review at the May 1, 1996 meeting. Mr. Magee stated that he would inform applicant to do so.

An update on the Haag subdivision shows that all involved attorneys know that a survey is needed to complete the application. Application will be considered as soon as said survey is submitted.

As there was no further business to conduct, Mr. Jensen made the motion that the meeting be adjourned. Mr. Presley seconded the motion. Roll call vote was taken, and all members voted

Robert Magee, "Aye"
Jim Presley, "Aye"
~~Marcia Coon, "Aye"~~
John Jensen, "Aye"

Meeting was adjourned at approximately 8:30pm.

The next meeting of this Board will be May 1, 1996 at 7:00pm.

Approved,

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
April 10, 1996

PRESENT: Robert Magee, Chairman
John Jensen, Member
Marcia Coon, Member
Marsha Towner, Recording Secretary

PUBLIC
PRESENT: Terry DeBuck, CEO

The April 10, 1996 meeting of the Town of Urbana Planning Board was called to order at approximately 7:05pm. The first item of business was the approval of the minutes from the meeting of March 6, 1996. Marcia Coon made the motion to approve the minutes as amended. John Jensen seconded the motion. Roll call vote was taken and all members voted, Robert Magee, "Aye"
Marcia Coon, "Aye"
John Jensen, "Aye"

The Board then welcomed Terry DeBuck, the newly appointed CEO to the meeting. Terry was present to acquaint himself with the Board and to also ask questions. At Mr. DeBuck's request, Chairman Magee explained the relationship between the ZBA and the Planning Board, and the jurisdiction of each Board.

Some of the questions raised by Mr. DeBuck concerned the trailer unit on a tractor trailer being used for storage as well as the requirements that need to be met in order to move a mobile home into the town of Urbana. The Board followed these questions with discussion and recommended that in the case of the tractor trailer unit, a pre-fab storage unit would be more acceptable, and in fact, would be allowable without a permit. In the case of mobile home requirements, the Board referred to Section 69-7 of the Code of the Town of Urbana, where all the requirements are outlined.

The Board members then continued informal discussion regarding the responsibilities of the Planning Board and how they relate to the responsibilities of the CEO and how both work together.

Mr. Magee then directed the Board to further review the site plan review of Michael Cook. Section 88-11, the site plan check list, was used as a guideline to insure that all requirements were met. A draft of the results of each requirement are filed with the minutes of this meeting. Section 88-14 regarding general standards and considerations were reviewed. A draft of the results are filed with the minutes of this meeting. Concerns raised by members of the public were reviewed, and a draft of the results are filed with the minutes of this meeting. Additional concerns and requirements of the Planning Board were addressed and a draft of the results are filed with the minutes of this meeting.

The drafts of all of the above will be submitted at the next Board meeting in final form for consideration as the Board's

official findings. It is noted that Mr. Cook's SEQR had not been submitted as of the March 7, 1996 meeting of the Planning Board. The SEQR was submitted to the Town Clerk on March 11, 1996. This makes the application complete.

Mr. Magee then informed the Board that in regards to the Haag Subdivision, all required fees have been paid. The only item now needed to complete the application is the survey. Mr. Flynn will be contacting Mr. Latham in this regard.

Board members were requested to continue to work on their revisions of the town zoning map and their proposed changes to the town comprehensive plan.

The Thibodeau/Martin subdivision is before the Board again. Mr. Chairman informed the Board that the application is complete except for an additional $30.00 for the application fee. $20.00 was submitted with the application, and the total subdivision fee is $50.00. No action can be taken by the Board until the additional monies are paid.

As there was no further business, John Jensen made the motion for adjournment. Marcia Coon seconded the motion. Roll call vote was taken, and all members voted Robert Magee, "Aye"
Marcia Coon, "Aye"
John Jensen, "Aye"

Meeting was adjourned at 10:42pm.

Approved,

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
March 6, 1996

PRESENT: Robert Magee, Chairman
John Jensen, Member
Marcia Coon, Member
Marsha Towner, Recording Secretary
Brian Flynn, Counsel

PUBLIC
PRESENT: Attorney Bob Plaskov
Attorney Theresa Scofield
Marty Opelt
Paul Wood
Mrs. Michael Cook

The March 6, 1996 meeting of the Town of Urbana Planning Board was called to order at 7:13 pm. The first item of business was the introduction to the Board of new Board Member, John Jensen. John is filling the vacancy provided by the retirement of Paul Wood.

Mr. Magee then addressed the matter of the Haag Subdivision. Attorneys Plaskov and Scofield were present to answer questions concerning the subdivision as they are representing Mr. Haff who is purchasing the land from Haags. As requested at the February meeting of this Board, Mr. Plaskov has forwarded an application for subdivision to the Haags, but it has not been returned to him as of this date.

Attorney Flynn informed the Board and the Public present that the proper subdivision process was not adhered to when Mr. Haag subdivided his property from the start. Needed to bring the subdivisions into compliance, would be an application for subdivision reflecting the entire lot size before any subdivision took place, as well as the monies to cover each subdivision that has taken place up to the present application for the current subdivision. A survey is needed with the application that reflects the entire lot and the subsequent subdivisions that have taken place since 1987. Attorney Flynn agreed to write Attorney Latham and request the items needed from Mr. Haag in order to complete his part of the application. Attorney Plaskov will submit a subdivision application for the total acreage and the necessary monies and documents from his client, Mr. Haff, in order to complete the application. After the submitted application is complete, the Board will proceed with the subdivision process.

The Final Review for the Cook's Micro Brewery was the next item open for discussion. Mrs. Cook was present to answer questions. Mr. Magee reviewed the concerns of the public with Mrs. Cook, they being venting, smell, water shed, hours of operation, and lighting, parking, etc. Mrs. Cook explained that it is

intended that the brewery be vented through the roof. She also stated that there is not an offensive odor associated with the brewing process. If anything, it smells like "cookies baking." There is no smell to a "bad batch." In regards to the question of water run off, Mrs. Cook explained that the grade has not changed. The Cook's have not made any changes that would affect the water run off on the Moretti property. Run off is a problem in the spring time because the properties are so close to the back bank.

The brewery will employ one full time and one part time employee. The planned hours of operation will be 10-6 Monday through Saturday and 12-6 on Sundays. On Wednesdays, they will be open until 10pm for the Brewing Club. There is room enough for 10 cars to be parked off the road for the brewery, with additional parking available on the old drive between the brewery and the Moretti property.

Deliveries will be made mostly on the west side of the brewery. Most deliveries come via UPS. The few deliveries that would come via tractor trailer would be unloaded at the front entrance. Mrs. Cook went on to explain that she and her husband would be agreeable to a vegetation buffer between the brewery and the Moretti's.

Mr. Magee then reviewed Section 88-14 of the Code of the Town of Urbana with the Board and Mrs. Cook. He further explained that the Planning Board does not have jurisdiction over State codes, only Town codes, and that the applicant must comply with every level of the law.

After reviewing and discussing the public concerns with Mrs. Cook, the board concluded with the following findings:

1. The brewery would not be an intensification of use based on the history of the building.

2. This is a pre-existing, non-conforming use.

3. Attorney Flynn advised that each of the Site Plan Review requirements be addressed individually.

4. The concerns stated at the public hearing were addressed. Mrs. Cook provided necessary information.

5. The Town Board has no jurisdiction over any laws other than its own.

6. All laws at every level will have to be complied with.

In looking through the applicant's file, Mr. Magee noted that there is no SEQR form submitted. He informed Mrs. Cook that this will be needed to complete the application process.

Mr. Magee moved on to the matter of the Carr subdivision and

informed the Board that he would make an appointment with Attorney Flynn to go through the file and determine what steps need to be taken in order to bring this subdivision into compliance.

A new matter of business is the abandonment of the road that goes up the hill behind the Gold Seal Winery. There is a bridge and a culvert that that has been washed out, and it is alleged that the Town does not want to take the money or the time to fix the bridge. The Planning Board believes that there is a possibility of residential housing being built on land that would be accessible by this road, and that the town underestimates its use by the public. Under Section 18-2 of the law, the Planning Board is given jurisdiction over the abandonment or closing of roads. At this time, it is the opinion of the Board to not act on closing this road at this time. Mr. Flynn informed the Board that once a road is abandoned, the ownership goes back to the center of the road, and suggested that the Planning Board have a meeting with the Town Board to discuss concerns and information regarding the closure of this road as well as others. The Planning Board could offer assistance and counsel to the Town Board. The Board members preferred to have Chairman Magee send a letter to the Town Board and then discuss the matter with Mr. Gardiner. Mr. Magee stated that he would do this.

Mr. Magee then gave each Board member a map of the Town with the land usages as shown on the zoning map. The members are to update the map as they would like to see it for the future. This will provide a starting point for further discussion and planning for the community. Mr. Magee also asked the members to consider how they would amend the town comprehensive plan to accommodate the changes that are made on the map.

As there was no further business to cover, John Jensen motioned for the Board to go to Executive Session in order to discuss matters of law with Counsel Flynn. Marcia Coon seconded the motion. Roll call vote was taken. All members voted

Robert Magee, "Aye"
Randy Robinson, "Aye"
Jim Presley, "Aye"
John Jensen, "Aye"
Marcia Coon, "Aye"

The Board moved into Executive Session at 9:30pm, and concluded the Executive Session at 9:51pm, at which time the Board reconvened the regular meeting. As there was no further business to discuss, John Jensen made the motion for adjournment. Randy Robinson seconded the motion. Roll call vote was taken all members voted Robert Magee, "Aye"
Randy Robinson, "Aye"
Jim Presley, "Aye"
John Jensen, "Aye"
Marcia Coon, "Aye"

Approved

TOWN OF URBANA PLANNING BOARD MEETING
January 10, 1996

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

The January 10, 1996 meeting of the Planning Board of the Town of Urbana was called to order at 7:00pm.

The first item on the agenda was the announcement of Paul Wood's resignation. His term is expired and he desires to exercise his right to resign at this time. Discussion followed and it was decided that the Board members would make it known that there is an opening and those of the public who may be interested in serving can approach the Chairman and make that desire known. The decision as to who will replace Paul would follow in a few weeks.

Chairman Magee again tried to persuade the Board to create a noise ordinance. The Board again refused. The Board members agree that at the present time there is not enough of a problem to merit any regulation.

Marcia Coon informed the Board that Attorney Theresa Bauer had been in contact with her concerning the subdivision of Keuka Family Practice. The hospital has agreed to buy the triangle shaped lot from Keuka Family Practice for $1.00 and in turn grant an easement to Keuka Professional Associates. The subdivision process needs to take place and the Public Hearing for this matter will take place on February 7, 1996 at the regular meeting of the Board.

The Board then discussed their concerns regarding Barley Hops & Vine and the expansion that Mike Cook desires. The following concerns will need to be addressed at the site plan review:

1. Additional parking for employees, tourists, buses

2. Septic--how many restrooms

3. Lighting--too bright for neighbors

The Board concluded that any changes made should bring the building into more conformance with the code. An application has been submitted outlining Mr. Cook's final plan to keep the first floor of the building operating as it presently is with a retail shop. The second story would be the micro brewery, and nothing would be done with the third floor. Mr. Brooks informed Chairman Magee that he would not make a case for any intensification of use because the building had been used as a winery in the past. The building is

classified as a C3-1 and the use as a micro brewery would be classified as the same. Site Plan and Concept Review will be scheduled for February 7, 1996.

Randy asked what the status of the Lapierre/Carr subdivision was. Bob has kept in contact with Mr. Lapierre, but has no direct information at this time. A work session will be held January 24, 1996 to discuss this matter as well as any other matters from the past year that have that not yet been resolved.

As there was no further business to discuss, Jim Presley made the motion for adjournment. 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"

This meeting was adjourned at approximately 8:30pm. The next meeting of this Board is scheduled for February 7, 1996 at 7pm.

Approved

Robert Magee, Chairman