

Planning Board



1997



TOWN OF URBANA PLANNING BOARD MEETING
December 2, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member
Roberta L. Sparling, Recording Secretary

ABSENT: Marcia Coon
James Presley

OTHERS PRESENT: Brian C. Flynn, Esq.

The meeting was called to Order by Chairman Magee at 7:15 P.M.

A Motion was made by John Jensen to approve the Minutes of October 7, October 14 and October 24. This Motion was seconded by Robert Magee. All voted "AYE".

OLD BUSINESS

Bully Hill Subdivision - Attorney Flynn advised the Board that he had contacted Attorney Mustico and that Attorney Mustico was sending him copies of deeds and dates that he was available to meet with Attorney Flynn and the Planning Board to discuss this matter.

Muriel F. Taylor Testamentary Trust
Subdivision/Rev. Peter Jenks - Chairman Magee advised the Board that Rev. Jenks had stopped by to see him and told him that his survey was completed and to see if there was any news on proceeding forward. Chairman Magee stated that he advised Rev. Jenks that this did not appear to be a proper application for a subdivision because the Wachovia Bank had not been appointed as the Trustee to this Trust. Attorney Flynn advised the Board that he is sending a letter to Attorney Joint regarding this matter.

Long Subdivision - Chairman Magee is checking with the Steuben County Clerk, Judy Hunter as to what they will accept as a map to be filed. He will report to the Board at the next meeting.

Bob Magee made a Motion that due to the fact that he had been made aware that the Section of our law regarding waiving a survey map is illegal and that from this point on the Planning Board will accept nothing but a survey. This Motion was seconded by John Jensen.

Roll Call Vote: Robert Magee - AYE
John Jensen - AYE
Randy Robinson - AYE

The Board held a Discussion regarding the ZBA Opinions on Easy Plus and Soldiers and Sailors applications and the Board will be doing Full Site Plan Review on both applications

A discussion was held regarding John Jensen's subdivision procedure outline and a tentative date of December 16, at 7:15 P.M. was set for a workshop. Chairman Magee will check with the absent members and advise everyone if this date is agreeable.

NEW BUSINESS:

A review discussion was held regarding the Harold Rice Application, they are waiting for more information from Mr. Rice. As regards the David Pearce Major Subdivision, Attorney Flynn advised the Board that he had had a conversation with Surveyor, Mike Muller regarding the survey of the parcel from another surveyor.

Chairman Magee asked Attorney Flynn to write a letter to Robert Plaskov regarding his subdivision application and to advise him that the Board would like dates that he is available to meet with them to discuss this issue.

There being no further business John Jensen made Motion to adjourn the Meeting at 8:45 P.M. This Motion was seconded by Bob Magee. All voted "AYE".

APPROVED:

ROBERT MAGEE, Chairman

TOWN OF URBANA PLANNING BOARD
November 5, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member
Robert L. Sparling, Secretary

ABSENT: Marcia Coon
Jim Presley

OTHERS PRESENT: Harold Rice
David Pearce
Dick Yartym
Barbara Lucas

Chairman Magee called the meeting to order at 7:14 P.M.

A discussion was held regarding the Zoning Board of Appeals Applications: Easy Plus Addition:

a. No problem with the concept, but the Planning Board wants the ZBA to be aware that its decision should be conditioned on Mr. Lapierre getting his first subdivision in order.

b. That the Planning Board will exercise their right to do Site Plan Review.

John Jensen Made motion that the Planning Board advise the ZBA and CEO that there are some matters as yet not taken care of on this property. This motion was seconded by Randy Robinson. All members voted "AYE".

John Jensen made Motion that the Planning Board advise the ZBA Board that they will be exercising their right to do a Site Plan Review on this matter. Seconded by Randy Robinson. All members voted "AYE".

Soldiers & Sailors Medical Facility

a. That the Board had no problem with the concept of this application.

b. That the Planning Board will exercise their right to do Site Plan Review.

After a lengthy discussion, John Jensen made motion that the Planning Board advise the ZBA Board that they will be exercising their right to do Site Plan Review on this matter. Robert Magee seconded said Motion. All members voted "AYE"

Richard Falvey Appeal:

a. That the Planning Board agree with Mr. Falvey's interpretation of the law and that he should prevail in this matter.

b. That the Planning Board will exercise their right to do Site Plan Review.

Robert Magee made Motion to advise the ZBA Board that they Agree with Mr. Falvey's interpretation of the law and that he should prevail in this matter. This Motion was seconded by John Jensen. All members voted "AYE".

Robert Magee made Motion that if the ZBA finds in favor of the CEO in this matter than the Planning Board reserves the right to do Site Plan Review. Randy Robinson seconded this motion. Roll Call Vote: Robert Magee - Aye
Randy Robinson - Aye
John Jensen - No

Harold Rice was present to discuss his minor subdivision application. Mr. Rice described the properties in question and showed the Board exactly what he intended to do.

Randy Robinson made a Motion to declare the Harold Rice Application as a Minor Subdivision. Robert Magee seconded said Motion. All members voted "AYE".

Mr. Rice advised the Board that he will get with his surveyor and have the property surveyed and when he has this completed he will advise the Board.

Richard Yartym was present at the meeting to discuss his prior subdivision that was granted on March 3, 1997. He advised the Board that the restaurant wanted to purchase some additional land from him and he wanted the board to advise if he needed to do another subdivision. Upon review of the prior survey map, it was the determination of the Board that the lot that they wanted to purchase had previously been set out as part of the prior subdivision and therefore no application was needed.

David Pearce was present to discuss his application for a subdivision to see approximately 5 acres of land. The board discussed his future applications and it was determined that in 1990 he had a Major subdivision application approved. That in 1992 he did an additional 2 lots. The Board asked Chairman Magee to get a determination from the Town Attorney, Brian C. Flynn, as to whether this was a continuation of a Major subdivision .

Mr. Pearce advised the Board that he was going to get the parcel surveyed, that he had some other parties interested in purchasing some of the remaining land and that when this survey was completed, he would advise the Board and they would have another review of said application.

Discussion was held regarding John Jenson's subdivision procedure outline. He will bring to the next meeting a sample flow chart for review by the Board.

Chairman Magee advised the Board that he was contacting the Town Assessor to meet with her to advise her of all the subdivisions that had been granted in the Town and ask her to check these to see if there were any illegal subdivisions. He further advised the Board that he was going to be meeting with the County Clerk, Judy Hunter, to review the filing of subdivisions maps and the procedure they use to check to see if subdivisions have been done.

The Board held a discussions regarding the Plaskov Applications and Chairman Magee will send a letter to Mr. Plaskov and ask him to attend the December meeting.

The Planning Board will hold a workshop regarding subdivision procedures on Wednesday November 12, 1997 at 7:15 P.M.

There being no further business to discuss, John Jensen made Motion to adjourn the meeting at 10:30 P.M. This motion was seconded by Randy Robinson. All members Voted "AYE".

APPROVED:

ROBERT MAGEE, CHAIRMAN

TOWN OF URBANA PLANNING BOARD

October 22, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member
Roberta L. Sparling, Recording Secretary

ABSENT: Jim Presley, Member
Marcia Coon, Member

OTHERS PRESENT: Rev. Jenks
Rick Fairchild

Chairman Magee opened the meeting at 7:30 P.M. advising that there was a quorum present.

The Minor Subdivision of the Muriel F. Taylor Testamentary Trust was the sole topic of the agenda. Details to be discussed are:

Suggested Local Street
Driveway/Easement and set-backs.

Chairman Magee recalled that the DOT was concerned that the number of driveways entering Route 54 be limited in an effort to ease congestion in the vicinity of the hospital and along the hill. He also stated that, in previous discussions regarding this traffic issue, the Board had indicated that it was more desirable to require one access point to both parcels that were to be created by this subdivision.

Robert Magee made a motion that, in the interest of safe traffic flow, the Board should make, as a condition of approval of this subdivision, some form of restriction or condition that would serve to provide a common access to both parcels created by this subdivision and any future parcels created by subsequent subdivision of either parcel. This motion was seconded by Randy Robinson. All voted "AYE".

Robert Magee made a Motion that, pursuant to Section 93-3 of the Subdivision Law, the aforementioned common access be called an "Easement" and that the Trust be required to reserve same for the specified purpose of access to both parcels created by this subdivision and any future development and subdivision thereof. John Jensen seconded this motion. All voted "AYE".

A Motion was made by Robert Magee for the purpose of this subdivision that the width of said easement be 50 feet and provide for proposed future local street as defined under Section 93-18 and that this Easement be located on or adjacent to the newly created property line. This Motion was seconded by Randy Robinson. All voted "AYE".

John Jensen made a Motion that the Final Plat show this aforementioned Easement

and that it be indicated on the Official Town Map as reserved for a proposed future local street. This motion was seconded by Robert Magee. All voted "AYE".

A discussion was held regarding existing rights-of-way and easements, such as those indicated at the Public Hearing by Myrna Marshall and Virginia Holmes.

Robert Magee made a Motion that, as a condition approval of this action, all existing rights of-way and easements of record effecting the promises and any that may be imposed by this Board and be shown upon the Final Plat as referenced in Section 93-25 of the Subdivision Law. This motion was seconded by John Jensen. All voted "AYE".

A discussion was held regarding setback requirements. It was determined that the setback is measured from the edge of the traveled portion of the highway. Chairman Magee noted that the NYSDOT has reserved a portion of the frontage of said parcel for the purpose of adding a proposed future turning lane. He suggested that a provision should be included, as a condition of approval of this Subdivision, that would provide a method of determining setbacks within these parcels and any future development and/or Subdivision of these parcels to insure that any development would not interfere with any purposed DOT turning lane.

Robert Magee made the Motion that, for the purpose of determining set backs with regard to any future development on these two parcels or any parcels created by the additional subdivision thereof, set backs will be measured from the "street Line" of the aforementioned proposed lane, as opposed to measuring setbacks from the existing streetline. This motion was seconded by John Jensen. All voted "AYE".

Chairman Magee requested that the Secretary prepare her minutes at her earliest possible time and forward to him a draft set so that he can review the same and the Board can work on their findings. He advised Rev. Jenks that as soon as this draft is completed he will be advised as to the requirements of his Final Plat.

The next scheduled meeting of the Planning Board will be held on November 5th, 1997 at 7:00 P.M.

Motion was made by Randy Robinson to adjourn the meeting at 10:30 P.M. Bob Magee Seconded said Motion. All voted "AYE".

APPROVED

ROBERT MAGEE, CHAIRMAN



TOWN OF URBANA PLANNING BOARD

October 14, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member,
Marcia Coon, Member
Jim Presley, Member
Roberta L. Sparling, Recording Secretary

OTHERS PRESENT: Virginia Holmes
Myrna Marshall
Rev. Jenks
Joe Hamilton
Rick Fairbrother
John Mustico, Esq.

Chairman Magee opened the Public Hearing on the Muriel F. Taylor Testamentary Trust Minor Subdivision at 7:10 P.M.

The following exhibits are in the file:

| | | |
|---------|------|---|
| Exhibit | "A". | Notice of Publication in the Leader |
| Exhibit | "B". | Letter requesting Public Hearing Notice to be published. |
| Exhibit | "C". | Posted Notice of the Public Hearing |
| Exhibit | "D". | Application and EAF |
| Exhibit | "E". | Paid Tax Receipts |
| Exhibit | "F". | Letter from Bank giving Rev. Jenks Permission to represent them |
| Exhibit | "G". | Letter from Attorney Joint to Bank |
| Exhibit | "H". | DOT completed application |
| Exhibit | "I". | Wastewater Application |
| Exhibit | "J". | Copies of Deeds |
| Exhibit | "K". | Copy of Oil & Gas Lease Agreement |
| Exhibit | "L". | Survey Map |
| Exhibit | "M". | Sketch of building layout on Parcel |
| Exhibit | "N". | Sketch of Wastewater Treatment System |
| Exhibit | "O". | Tax Map |
| Exhibit | "P". | Tax Maps and list of adjoining property Owners. |

Chairman Magee asked Rev. Jenks to explain the issues regarding this subdivision. Reverend Jenks indicated the he is acting on behalf of the Bank as Applicant to subdivide app. 60 acres of property owned by the Muriel F. Taylor Testamentary Trust into two parcel of app. 10 acres and 40 acres. Reverend Jenks stated that the Harvest Baptist Church is purchasing the 10 acre parcel to build a church and parking lot and possibly more structures in the future.

The Chairman asked if there were any comments from the Public. Myrna Marshall asked Rev. Jenks what their were plans for the future. Rev. Jenks responded that perhaps some sporting fields in the hollow and a picnic area on the rise. She also asked him where the location of the wastewater system was going to be. Rev. Jenks showed her on the survey map and showed her Exhibit "N", the Wastewater Treatment System

Myrna Marshall asked if prior plans to subdivide and build a retirement facility that Dr. Bourke had submitted in the past is still open. Chairman Magee advised her that it was the Board's understanding that Bourke was no longer going ahead with his prior application and that the remaining forty acre parcel was for sale. Rev. Jenks further elaborated that the Church was working through the Bank and that Dr. Bourke had an option to purchase the entire 60 acres. Dr. Bourke was exercising this option, with the bank's approval, and was selling the Church the ten acre parcel. She also asked if the Church was aware that Bath Municipal Sewerage serviced the hospital and had the church thought of inquiring as to the possibility of connecting to the service. Rev. Jenks advised that they were aware of it but that they were going to put in their own system.

Mrs. Virginia Holmes asked the Board and Rev Jenks if they were aware that the Holmes' water supply (a drilled well) was on the other remaining forty acre parcel and she was concerned if any septic system might contaminate their water supply. Rev. Jenks told her that he was not aware of her water supply on the land and that his project would not affect her water. She explained that she was concerned with future development on the forty acre parcel. The Board advised her that they had no documentation as to the existence and location of her well. Reverend Jenks indicated that he would speak to the surveyors and if they found such documentation in the abstract he would request that it be referenced on the survey.

Board Member Randy Robinson voiced a concern regarding ingress/egress onto Route 54 and indicated that was already a congested area. Chairman Magee advised the Board that the placement of the driveway has been approved by the DOT. Chairman Magee had met with Mr. Sebring of the DOT regarding said drive. Mr. Sebring indicated the he would prefer that the driveway would service both the 10 acre as well as the 40 acre parcels in an attempt to reduce the number of driveways in that area. He also stated the the DOT had reserved enough property within their right of way to serve as a location for a future turning lane is traffic flow indicated such a need.

Myrna Marshall asked-if any speed reduction, or lights were going to be installed. Chairman Magee advised her that this was discussed with DOT and that none were planned at this time

Chairman Magee inquired if the public or members of the Board had any additional questions or concerns. None were made.

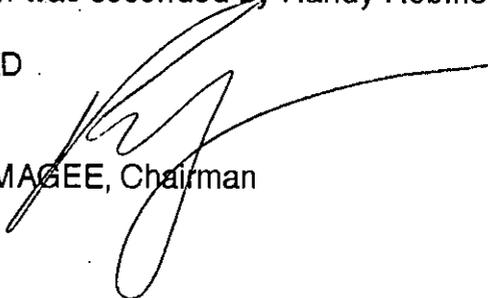
Chairman Magee advised Rev. Jenks that the Board has a period of time to review the application and render a decision regarding this minor subdivision. He asked the Board to set a date that this matter could be discussed and a meeting was scheduled for October 22, at 7:15 P.M. The Public Hearing was closed at 7:50 P.M., E.S.T.

Chairman Magee opened the regular meeting at 7:55 P.M. and indicated that he recognized that Attorney Mustico was present. He noted that while Attorney Mustico was not on the agenda he assumed that Attorney Mustico was present to discuss the Bully Hill Subdivision. A lengthy discussion ensued between Attorney Mustico and the Board as to exactly what submissions the Board required and deemed necessary in order to process the Bully Hill application. Members of the Board individually attempted to explain these requests to Attorney Mustico. Chairman Magee noted that the Board had been attempting to explain these requirements numerous times to Attorney Mustico, without success and that such requirements would be necessary before the Board could consider that the Bully Hill application was complete and be accepted as such. Chairman Magee suggested that Attorney Mustico contact Attorney Flynn and choose two dates and times that they both could be available to meet with the Board in an effort to outline the basic requirements of a Subdivision. Chairman Magee also advised Attorney Mustico that no further action on the Bully Hill Subdivision would take place until such a meeting had been arranged.

John Jensen made motion to adjourn the meeting at 9:00 P.M.
This motion was seconded by Randy Robinson. All voted "AYE".

APPROVED

ROBERT MAGEE, Chairman



TOWN OF URBANA PLANNING BOARD

October 7, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Marcia Coon, Member
Jim Presley, Member
Roberta L. Sparling, Recording Secretary

ABSENT: Randy Robinson, Member

Chairman Magee called the meeting to order at 7:00

Marcia Coon made motion to approve the minutes of the September 2nd and September 10th meeting. Jim Presley seconded said motion. All voted "AYE".

The Board held a discussion regarding the Planning Board Seminar to be held October 26, 27, 28 and 29 in Saratoga Springs, N.Y. Those indicating a desire to attend were Chairman Magee and Member Jim Presley.

The Chairman updated the Board on the Muriel Taylor Testamentary Trust Minor Subdivision regarding the NYS DOT matter as to the driveway into the property. The DOT will accept the driveway location as indicted in the DOT Permit, or any change in the driveway location, providing that such change does not move the driveway to the Southeast. If the drive is to be moved to the Southeast, a new Permit will be required and the driveway will have to be located directly across from the Hospital Driveway.

The Chairman reminded the Board members of the Public Hearing which is scheduled for October 14th, 1997 for the Taylor Trust Minor Subdivision. He further advised the Board that he was meeting with Attorney Flynn prior to the Public Hearing to get the proper wording for the placement of the roadway between the parcels.

John Jensen presented the Board with his "suggested" Subdivision Application Procedure and asked each member to review the same and get any changes to him.

Motion was made by Marcia Coon to adjourn the meeting at 9:00 A.M. This Motion was seconded by Jim Presley. All members Voted "AYE".

APPROVED:

ROBERT MAGEE, CHAIRMAN



TOWN OF URBANA PLANNING BOARD

September 10, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Jim Presley, Member
Roberta L. Sparling, Recording Secretary

ABSENT: Randy Robinson, Member
Marcia Coon, Member

OTHERS PRESENT: Pastor Jenks
Rick Fairchild

Chairman Magee called the meeting to Order and advised the Board that he had spoken with DOT regarding the Taylor Minor Subdivision and the driveway for the Harvest Baptist Church and advised the Board of what was discussed.

A lengthy discussion was had thereafter and John Jensen stated that upon his review of the property and reading through the Code, that the driveway should be between the two parcels and it should be accessible by both parcels. The sections that he reviewed were: Section 93-17 E, 93-17 J, 93-17 H, 93-17 K and 93-18 A.

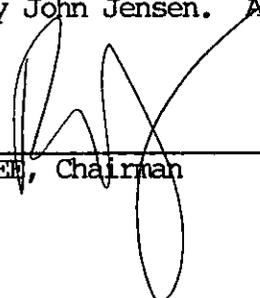
Rev. Jenks is to supply the board with a survey map showing the whole parcel split into Lot 1 and Lot 2.

Concern was expressed regarding the properties behind the subdivision as to the owners having ingress and egress to their properties.

The Board held a discussion on the Floyd Long Minor Subdivision and this matter was tabled until the next meeting.

Jim Presley made a Motion to adjourn the meeting at 10:05 P.M., this was seconded by John Jensen. All voted "AYE".

APPROVED:



ROBERT MAGEE, Chairman

TOWN OF URBANA PLANNING BOARD

September 2, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Jim Presley, Member
Randy Robinson, Member
Marcia Coon, Member
Roberta L. Sparling, Recording Secretary

OTHERS PRESENT: Rev. Peter Jenks

Chairman Magee opened the meeting by introducing Pastor Jenks from the Harvest Baptist Church who was present to discuss the subdivision of the Muriel E. Taylor Testamentary Trust property located across from the Ira Davenport Hospital.

The Board held a discussion regarding the placement of the driveway and Rev. Jenks advised the Board that DOT has given permission for same and he presented the Board with copies of the papers he received from DOT.

After a lengthy discussion Chairman Magee asked each board member to go and look over the site, especially as to the placement of the driveway.

Chairman Magee asked Marcia Coon to contact the hospital to see if there were any plans in the future for changing their driveway and any installation of a traffic light.

Jim Presley made Motion to declare this application as a Minor Subdivision. John Jensen seconded said Motion. All members voted "AYE".

Chairman Magee advised the Board that he had received information from Attorney Mustico regarding the Bully Hill Subdivision and he was sending a letter to him advising that this subdivision would be discussed on October 7th, 1997 at 7:00 P.M. He further advised the Board that William Garrison has verbally withdrawn his application and the Board recommended that the Chairman advise Mr. Garrison to send in a letter to this effect.

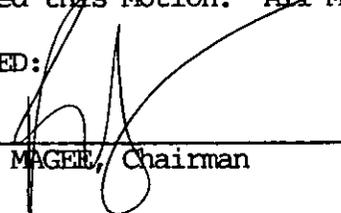
Chairman Magee asked Marcia Coon to bring in the concerns that the Attorney Joint has regarding the Industrial District.

It was announced by the chairman that the NYS Planning Federation meeting would be held at Saratoga Springs on October 26, 27, 28 and 29th, and he would like to see as many members attend as possible.

Two meetings were set up for September. September 10th and September 18th, these meetings are to be work sessions.

Jim Presley made Motion to adjourn the meeting at 9:18 P.M. Bob Magee seconded this Motion. All Members voted "AYE".

APPROVED:



ROBERT MAGEE, Chairman

TOWN OF URBANA PLANNING BOARD
June 13, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member
Marcia Coon, Member
Roberta Sparling, Recording Secretary

Chairman Magee reconvened the Peter Johnstone Minor Subdivision Public Hearing at 5:00 P.M.

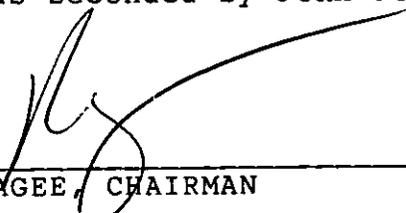
Exhibits "A" through "H" were discussed among the Board Members as well as the survey maps. This is determined to be a 3 parcel subdivision.

Chairman Magee announced that Attorney Plaskov is to furnish to the Planning Board File, survey maps stating the parcel numbers and to pay an additional \$25.00.

There being no further discussion, the Public Hearing was closed at 5:10 P.M.

Robert Magee made a Motion to hold off on making the decision to approve or disapprove the subdivision until the proper surveys and the additional \$25.00 was provided. This Motion was seconded by John Jensen. All members voted "AYE".

APPROVED



ROBERT MAGEE, CHAIRMAN

TOWN OF URBANA PLANNING BOARD
June 10, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
James Presley, Member
Roberta L. Sparling, Recording Secretary

ABSENT: Marcia Coon, Member
Randy Robinson, Member

OTHERS PRESENT: Attorney Robert Plaskov
Mike Doyle
Floyd Long

Chairman Magee opened the Public Hearing on the Peter Johnstone Minor Subdivision Application at 7:10 P.M. Because member James Presley had recused himself from this matter because he is a neighbor, there was not a quorum present and the Public Hearing was recessed at 7:12 P.M. until a quorum could be present.

Chairman Magee opened the Regular meeting of the Planning Board and John Jensen made a motion to Approve the Minutes of May 22. This motion was seconded by Bob Magee. All voted "AYE".

Under old business Chairman Magee advised the Board that he was to meet with Attorney Flynn to discuss the proposed amendments to the Industrial District. He further advised the Board that he had authored a letter to Attorney Mustico regarding the Bully Hill Subdivision and read same to the members. The Board authorized Chairman Magee to sign said letter and forward it to Attorney Mustico.

The Board reviewed the Floyd Long submissions from Attorney McCarthy. Mr. Long was present and asked the Planning Board if they would waive having the whole parcel surveyed because of the rough terrain. The Board advised Mr. Long as to what he would have to present before they could make any decision to waive the survey of the property. Mr. Long advised the Board that he would check at the County Clerk's Office to see if there was a previous survey of the property and also with the surveyor to see if he had a map of the whole parcel.

Chairman Magee advised the board members that Town Supervisor Gardiner had asked the Board to update the sign law as there was no Variance clause in it. Chairman Magee further advised the Board that when they had done the sign law in 1994, it was his understanding that it was to replace the section on signs in the Towns Zoning Law. This was not done and the Law was adopted as a separate law. After discussion, Chairman Magee is to notify Supervisor Gardiner that they will discuss this law when they have a full board and will be working on it.

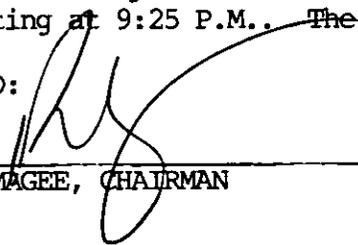
The Chairman also gave each member present a copy of the Off Premise Directional Signs that the Planning Board had worked on previously. The members are to review the same, along with the Sign Law and make any changes or additions and bring it to the next meeting to work on.

The Board held a discussion on the Garrison Subdivision and Chairman Magee is contacting Mr. Garrison.

The Town Supervisor had asked Chairman Magee if the Planning Board would look over the proposed changes to the "Depot". Changes were to add restrooms and snack bar. The Boards opinion is that the restrooms are needed but feels that the snack bar should not be placed there, but rather would be better over to Chaplain Beach, because that is the area that the youth group program is held. Further, commercial downtown is only one (1) block away and they should look at the long range effect on septic if this grew into cooking foods. They do not want to taken any business away from the merchants that are so close.

There being no further business to discuss, John Jensen made motion to adjourn the meeting at 9:25 P.M.. The motion was seconded by Jim Presley. All voted "AYE".

APPROVED:



ROBERT MAGEE, CHAIRMAN

TOWN OF URBANA PLANNING BOARD MEETING
MAY 22, 1997

PRESENT: Robert Magee, Chairman
Jim Presley, Member
Marcia Coon, Member
John Jensen, Member
Roberta L. Sparling, Recording Secretary

ABSENT: Randy Robinson, Member

OTHERS PRESENT: Attorney Robert Plaskov
Peter Johnstone

The meeting was called to order at 7:08 P.M. by
Chairman Magee.

A discussion was held regarding the Preliminary Hearing on the Application of Peter Johnstone Minor Subdivision. Chairman Magee asked Attorney Plaskov if Mr. Johnstone had given him a letter of authorization so that he could speak on behalf of Mr. Johnstone. Attorney Plaskov said no, but he would get one. Shortly thereafter Peter Johnstone arrived and gave verbal permission for Attorney Plaskov to represent him in this matter.

Several questions were asked by the Board of both Mr. Johnstone and Attorney Plaskov. Member Jim Presley stated on the record that he was a neighbor to Mr. Johnstone and that he would recuse himself from the Hearing and also at the Public Hearing.

It was determined by the Planning Board that this was a 3 minor subdivision, not 2 as was submitted. Mr. Johnstone stated that he would send in another \$25.00 to the Town Clerk for the additional parcel.

The Planning Board advised Mr. Johnstone and Attorney Plaskov that this matter would be set down for a Public Hearing on June 10, 1997 at 7:00 P.M. Marcia Coon made a Motion to declare this application complete and declared it a Minor Subdivision. John Jensen, seconded said Motion. All Members voted "Aye".

John Jensen made a motion to approve the Minutes of the prior meeting. This Motion was seconded by Marcia Coon. All members voted "Aye".

Under Old Business a discussion was held with the recently received submissions from Attorney Mustico regarding the Bully Hill Subdivision. Chairman Magee will meet with Attorney Flynn to discuss the submissions.

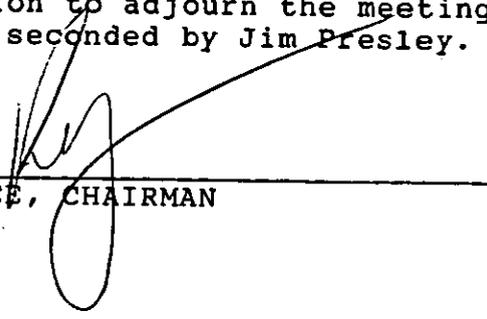
Chairman Magee made a motion to change the June monthly meeting from June 3 to June 10th. This motion was seconded by Jim Presley. All Members voted "Aye".

The Board review the Public Hearing Agenda and made changes, this will be submitted at the June 10th meeting.

The Board held a discussion regarding the Garrison Subdivision Application. This matter was scheduled for a Preliminary Hearing on June 10th. Chairman Magee will send Mr. Garrison a letter advising him that his application is incomplete and what is needed to complete same.

There being no further business to discuss, Marcia Coon made a Motion to adjourn the meeting at 9:20 P.M. This Motion was seconded by Jim Presley. All members voted "AYE."

APPROVED:



ROBERT MAGEE, CHAIRMAN

TOWN OF URBANA PLANNING BOARD MEETING
MAY 6, 1997

PRESENT: Robert Magee, Chairman
Jim Presley, Member
Randy Robinson, Member
Marcia Coon, Member
John Jensen, Member
Roberta L. Sparling, Recording Secretary

OTHERS PRESENT: Terry DeBuck, CEO

The meeting was called to Order at 7:07P.M. by Chairman Magee.

A Motion was made by Jim Presley to accept the minutes of April 30th. This Motion was seconded by Marcia Coon. All Members voted "AYE".

A discussion was held regarding the Bully Hill Application and Chairman Magee will prepare a letter to send to Attorney Mustico as to what is still needed.

NEW BUSINESS:

The Board reviewed the Johnstone Minor Subdivision Application and have asked CEO Terry DeBuck to give a written report as regards the sewage and wastewater disposal system. The Board will hold a Preliminary Hearing on the Johnstone Minor Subdivision Application on May 22, 1997 at 7:15 P.M.

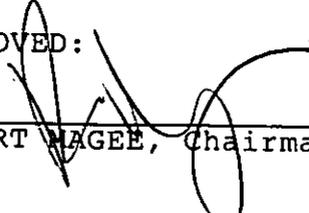
Chairman Magee instructed the Secretary to send a letter to Attorney Plaskov advising him of this date and time.

The Board held a discussion on procedures for future Public Hearings and have asked the Secretary to prepare an Agenda for them to follow.

The Board, at its next meeting, will make a list of the last eighteen (18) months approved Subdivisions and give a copy to the Assessor, Kathleen Harter, for her records.

Marcia Coon made a Motion to adjourn the meeting at 9:00 P.M. This Motion was seconded by Jim Presley. All voted "AYE".

APPROVED:



ROBERT MAGEE, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
April 30, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Jim Presley, Member
Roberta L. Sparling, Recording Secretary

ABSENT: Marcia Coon, Member
Randy Robinson, Member

OTHERS PRESENT: Freeman Smith, Applicant
Michael Doyle, Neighbor

The Public Hearing for the Freeman Smith Minor Subdivision was opened at 7:07 P.M. by Chairman Magee. A quorum was present.

Chairman Magee stated that the Notice of Publication was in the file, the fees had been paid and the papers were all in order. Chairman Magee asked if there were any comments or questions from the public and there were none.

John Jensen asked Mr. Smith if the pink colored areas on the map that was attached to the application were the same lots and he stated "yes".

There being no further questions or comments, the Chairman closed the Public Hearing at 7:15 P.M.

The Regular meeting of the Planning Board was called to Order at 7:15 P.M.

Upon review of the information recorded on the EAF, (Parts 1, 2 and 3), 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 would not result in any large and important impact on the Environment. A Motion was made by Jim Presley that the Board place in its file a written Notice of Determination of Non-Significance (Negative Declaration). This motion was seconded by John Jensen. A Roll Call Vote was taken:

Bob Magee - Aye
John Jensen - Aye
Jim Presley - Aye

Consistent with the foregoing procedures, it was the determination of the Planning Board that the Minor Subdivision Application of Freeman Smith meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Jim Presley made a motion to approve the Smith Subdivision as submitted and instructed Chairman Magee to sign the Survey. John Jensen seconded this motion. Roll Call Vote was taken:

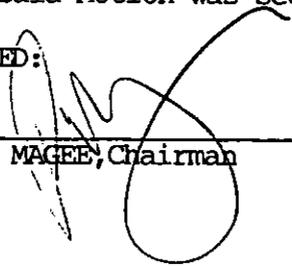
Bob Magee - Aye
John Jensen - Aye
Jim Presley - Aye

NEW BUSINESS:

John Jensen made a Motion to accept the minutes of the March 26th, 1997 meeting. Said Motion was Seconded by Bob Magee. All members voted "Aye".

The next regular meeting will be held May 6th at 7:00 P.M. There being no further business to discuss, Jim Presley made Motion to adjourn the meeting at 8:30 P.M. Said Motion was seconded by John Jensen. All members voted "AYE".

APPROVED:



ROBERT MAGEE, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
March 26, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Marcia Coon, Member
Robert L. Sparling, Recording Secretary

ABSENT: Jim Presley, Member
Randy Robinson, Member

OTHERS PRESENT: Pauline Leasure
Alfred Michaelsen

The Public Hearing for the Leasure Minor Subdivision was opened at 7:12 P.M. by Chairman Magee. A Quorum was present.

Chairman Magee declared this to be the same Minor Subdivision Application they had approved at the Preliminary Hearing on January 8, 1997.

After discussing the site and changes and review of the documents in the file and all being in order, the Public Hearing was closed at 7:36 P.M.

Following the public hearing the regular meeting of the Town of Urbana Planning Board was called to order at 7:37 P.M. by Chairman Magee.

The Leasure Minor Subdivision Application was reviewed by the Board. All paperwork was in order. The Board then reviewed the SEQR Full Environmental Assessment Form, and completed same. It was the unanimous opinion of the Planning Board that this division of land would not have any significant environmental impact. A Motion was made by Marcia Coon that the Board place in its file a written Notice of Determination of Non-Significance (Negative Declaration). This motion was seconded by John Jensen. A Roll Call Vote was taken: Bob Magee - Aye
John Jensen - Aye
Marcia Coon - Aye

Consistent with the foregoing procedures and it being in the keeping with the Subdivision Laws, John Jensen made the Motion, with a Contingency in that this parcel of land is being annexed to the Michaelsen property, that this be granted status for consideration of approval or disapproval and instructed Chairman Magee to sign the survey. Marcia Coon seconded this motion. Roll call vote was taken:

Bob Magee - Aye
John Jensen - Aye
Marcia Coon - Aye

After a discussion regarding the Mercury Request for Rezoning, this matter was tabled until the next meeting so that Marcia Coon could bring in the figures the Board requested.

NEW BUSINESS:

A discussion was held regarding the changing of the Planning Board Meeting nite from the first Wednesday of the Month to the first Tuesday of the Month. Bob Magee made the motion that the meeting night be changed to the first Tuesday of the Month and Marcia Coon Seconded the motion. Roll Call Vote was taken:

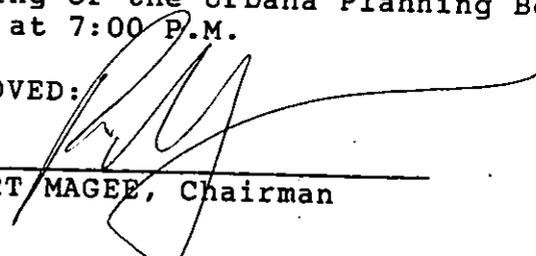
| | | |
|--------------|---|-----|
| Robert Magee | - | Aye |
| John Jensen | - | Aye |
| Marcia Coon | - | Aye |

Chairman Magee had met with the New Assessor and she had advised him that she had found some illegal subdivisions and that he was to review them and discuss them with the CEO about enforcing them. Some were reviewed by the Board and they agreed that the Chairman should discuss them with the CEO.

John Jensen submitted to the Chairman some suggestions for follow-up conditions made when approving a subdivision. These were sent to the absent members and would be discussed at the next meeting.

Marcia Coon made the motion to adjourn at 9:00 P.M. and this motion was seconded by John Jensen. The next scheduled meeting of the Urbana Planning Board is Tuesday April 1st, 1997 at 7:00 P.M.

APPROVED:



ROBERT MAGEE, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
March 13, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member
Marsha Coon, Member
Jim Presley, Member, Arrived at 9:20 P.M.
Roberta L. Sparling, Secretary

OTHERS PRESENT: Richard Yartym

The Public Hearing for the Minor Subdivision Application of Richard Yartym was opened at 7:17 P.M. by Chairman Magee.

After review of the documents in the file and seeing that all were in order, the Public Hearing was closed at 7:35 P.M.

The regular meeting of the Planning Board was called to order at 7:36 P.M. by Chairman Magee.

A discussion was held regarding the Yartym Subdivision and, based upon the Planning Board's discussion and review of the Environmental Assessment Form, Survey and other necessary documents, it was the unanimous opinion of the Planning Board that this division of land would not have any significant environmental impact. John Jensen made a Motion that the Planning Board place in its file a written Notice of Determination of Non-Significance (Negative Declaration) and that distribution of copies thereof should be made to the appropriate agencies. This Motion was seconded by Marsha Coon. A Roll Call Vote was taken:

Robert Magee - Aye'
Randy Robinson - Aye
Marsha Coon - Aye
John Jensen - Aye

Consistent with the foregoing procedures, Randy Robinson made a Motion to Approve this Minor Subdivision with the contingency that when parcels are sold, each deed has to reflect the use of ingress and egress over the Right-Of-Way. This Motion was seconded by John Jensen. A Roll Call Vote was taken: Robert Magee - Aye
John Jensen - Aye
Randy Robinson - Aye
Marsha Coon - Aye

Chairman Magee stamped and signed the Survey Map and informed Mr. Yartym of the approval and the contingency.

Bob Magee made a Motion to approve the minutes of October 3 and October 22 and February 24th. John Jensen seconded the motion. All members voted "Aye".

Chairman Magee advised the members that Attorney Flynn was looking into the Clair Carr Subdivision and that it would be getting the information to the Board as soon as possible.

A discussion was held regarding the Michaelson Subdivision and the file was reviewed. Chairman Magee made the Motion that this application be accepted and scheduled a Public Hearing for March 26th, 1997. Marsha Coon seconded the Motion. Roll call vote was taken:

- Robert Magee - Aye
- Marsha Coon - Aye
- Randy Robinson - Aye
- John Jensen - Aye

The Board has questions for Attorney Flynn as to when they put contingency on a Subdivision, how does this Board know that it has been done? When property is subdivided, does each parcel then get a new tax map number or do they get it when it is sold?

A discussion was held regarding Jim Presley's concern that perhaps the Board should have investigated rezoning only on the highway as Highway Business and not as Industrial Business and a poll was taken of the Board Members, who were present, to decide whether they wanted to continue on with the Industrial District Zoning or follow Jim Presley's suggestion to rezone as Highway Business. The Members who were present wanted to continue on with the Industrial District Zoning.

Chairman Magee made a Motion that the direction of this Board to respond to the Mercury Request by keeping the Industrial District in Tact and Keeping the uses within that District in Tact was to move forward with what they had discussed in their work session on February 24th, 1997. This Motion was seconded by John Jensen. All members voted Aye.

The Mercury Request for rezoning was discussed and there will be a work session following the regular meeting to have further discussion on same.

NEW BUSINESS:

The Freeman Smith Minor Subdivision application was reviewed and Chairman Magee is to Notify Mr. Smith that he needs to bring in three (3) surveys showing lots before it can be scheduled for a Public Hearing. Chairman Magee made Motion to accept the application pending receipt of the survey maps and declared it to be a minor subdivision. Motion seconded by Jim Presley. Roll Call Vote taken:

- Chairman Magee - Aye
- Jim Presley - Aye
- Marsha Coon - Aye
- Randy Robinson - Aye
- John Jensen - Aye

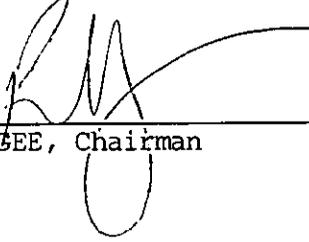
The Board reviewed the ZBA Application of David Bauer and the Chairman will submit to the ZBA their concerns.

The Board Reviewed the Laufersweiler/Walike Application and Marsha Coon made a motion that this Board recommend granting same. This Motion was seconded by Jim Presley. A Roll Call Vote was taken:

Bob Magee - Aye
Marsha Coon - Aye
Jim Presley - Aye
Randy Robinson - Aye
John Jensen - Aye

John Jensen made Motion to adjourn the meeting and go into a work session regarding the Mercury Matter at 9:50 P.M. This Motion was seconded by Marsha Coon. All members voted AYE.

APPROVED:



ROBERT MAGEE, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
FEBRUARY 24, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member
Jim Presley, Member
Roberta Sparling, Recording Secretary

ABSENT: Marcia Coons, Member

The meeting was called to order by Chairman Magee at 7:03 P.M.

Jim Presley made motion to accept the August 7th minutes. Seconded by John Jensen. All voted "AYE".

Randy Robinson made motion to accept the September 4th minutes as they were amended, seconded by John Jensen. All voted "AYE".

The Minutes of September 18th meeting are missing and the Secretary was not present at that meeting and the Chairman believes he took them. He will look and see where they are, the Secretary is to see if the tape is available to listen to it and prepare minutes.

The minutes of October 2, 1996 and October 22, 1996 needed to be corrected and the Secretary was asked to correct these minutes and the Board will review them at their next meeting

John Jensen made Motion to accept the November 6th minutes and they were seconded by Jim Presley. All members voted "AYE".

Randy Robinson made motion to accept the December 4th minutes. Seconded by John Jensen. All members voted "AYE".

Jim Presley made motion to accept the January 8th minutes, seconded by John Jensen. All members voted "AYE".

John Jensen made motion to accept the Amended February 6th minutes, seconded by Jim Presley. All members voted "AYE".

John Jensen submitted a sample of his Historic Structure Law. Chairman Magee accepted it and it will be discussed at the next meeting.

Chairman Magee advised the members that Mr. Carr was getting his survey done and will advise him when it is completed. Chairman Magee has been instructed to inquire of the Town Attorney regarding the Lapierre subdivision that was submitted several years ago as to its status.

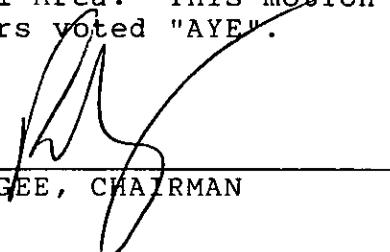
Chairman Magee advised the members that the Richard Yartym subdivision paperwork and payment is complete and this was scheduled for a Public Hearing on March 13th, 1997 at 7:00 P.M. Further the Regular meeting of the Planning Board will be changed from March 5 to March 13th. He left a message for the Town Clerk to advertise the Yartym Public Hearing.

Chairman Magee advised the members that the Michaelson Subdivision application has to be changed to show the proper piece of land, at this date no submission has been made.

The Chairman gave to the members copies of the two (2) Special Use Permit Applications, Dave Bauer and Laufersweilers B & B. These are scheduled for March 20th and the Board will review these at their March 13th meeting and give their formal Opinion to the Zoning Board Of Appeals before the March 20th meeting.

Chairman Magee made a motion to adjourn the Regular meeting at 8:40 P.M. and to go into a work session regarding the Mercury Letter from Attorney Joint for rezoning the Industrial Area. This motion was seconded by Jim Presley. All members voted "AYE".

APPROVED



ROBERT MAGEE, CHAIRMAN

TOWN OF URBANA PLANNING BOARD MEETING
February 6, 1997

PRESENT: Robert Magee, Chairman
John Jensen, Member
Jim Presley, Member
Randy Robinson, Member
Roberta Sparling, Recording Secretary

ABSENT: Marsha Coon, Member

The meeting was called to order by Chairman Magee at 7:05. A Motion was made by Jim Presley and Seconded by John Jensen to table the Minutes for August 7th; September 4th; October 3, October 22, November 6th and January 8th until the next meeting so that each member will have time to review them and make any comments they might have. All members voted "Aye".

A discussion was held regarding the Clair Carr Subdivision. The Chairman is to advise him that he is to do a new application and submit same with his survey.

The Yartym Application was discussed and the survey was reviewed. The Chairman is to advise Mr. Yartym that when he does sell any part of this subdivision, they want the deed to reflect the right-of-way and water rights. Further Mr. Yartym is to pay his \$100.00 fee and change the right-of-way on the survey. After these are completed the Board will schedule a Public Hearing.

The Chairman welcomed the Deputy Chairperson, Randy Robinson to that position and the new Recording Secretary, Roberta Sparling. The Deputy Chairman asked that he receive advance notice when he will have to be in charge of the meeting. Chairman Magee assured him that he would have ample notice.

The Board reviewed the ZBA Application from Raymond E. Poehlein which is scheduled for a public hearing on February 20th. The Chairman will submit a letter stating that there are no physical hardships shown in the information they received to serve as a basis for granting this Variance; that there does not seem to be any unique circumstances that would limit reasonable use should the applicant be required to build within the confines of the Code. That the Planning Board is of the opinion that this application should be denied because of the aforesaid.

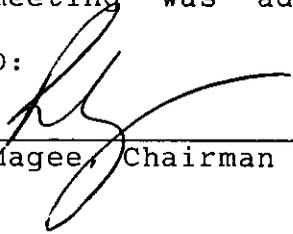
A discussion was held regarding the Mercury Application and each member is asked to bring in ideas to the next meeting as what to do about Industrial Areas within the Town of Urbana. The Mercury Application will be discussed at further length at the next meeting of the Planning Board.

The Board scheduled a Special Meeting for February 25th, 1997 at 7:00 P.M. Each member was given a copy of the Zoning Law and they are to work on this as to changes they believe should be done.

Randy Robinson made the motion to adjourn the meeting, seconded by Jim Presley. Roll Call vote was taken all members voted "Aye".

This meeting was adjourned at approximately 8:50 P.M.

APPROVED:



Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD MEETING
JANUARY 8, 1997

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

TOWN
BOARD

PRESENT: John Webster, Member
Tom Chadwick, Member
Frances B. Peirce, Member

PUBLIC

PRESENT: Terry Brotherton, Town Historian
Carol and Al Michaelsen

Chairman Magee called the meeting of the Planning Board to order at 7:06pm and began the meeting by explaining to all present that Mercury Aircraft had requested a Building Permit for the purpose of constructing within one of their existing buildings, a bait shop and restaurant. The restaurant would mainly serve the needs of the employees, but would likely be open to the public for breakfast and lunch. The CEO denied the application because the code does not provide for retail or food service in an industrial district. Mercury then requested that the board look at the industrial district code in a broader sense so that as they have the opportunity to use the buildings for other purposes, they can do so within the scope of the code.

The Town Board is the agency that would write or approve any updating or amendments to the code. The proposed amendment would then be passed to the Planning Board for a 45 day review after which the Planning Board would pass it back to the Town Board. To eliminate this two step process, the Town Board has agreed to let the Planning Board do the initial proposed changes to the code, and then submit them to the Town Board.

Mr. Magee stated that the process of amending the code is begun by a citizen submitting an application. This has been done by Mercury Aircraft who happens to own 95% of the industrial district. The Board is responding to the application because it was submitted by a citizen, not because it was submitted by Mercury Aircraft. Town Board member, John Webster agreed that a review of the code is due. He also stated that there was food service provided at Taylor Wine as well as a retail shop. Now that the premises have been sold and reopened, it is time to review the code and make provision for what will be allowable. Mrs. Pierce, a Town Board member, stated that she was of the opinion that an

application should be required for each future project. Mr. Chadwick, also from the Town Board, stated his agreement to amend the zoning. Mr. Magee stated that he requests a written statement from the Town Board regarding the Planning Board's right to begin the amendment process and will be sending a letter of said request to Mr. Gardner.

The next item of business was the application of Carol and Al Michaelsen for a subdivision to enlarge their lot at 142 East Lake Road by annexing a 15 foot strip of the neighbors property to their existing lot for the purpose of constructing a polishing bed. The property that would be subdivided is owned by Pauline Leasure. The remaining parcel would exceed the square footage requirement. The CEO's report regarding the septic is satisfactory. A letter from Pauline Leasure authorizing the Michaelsens to apply on her behalf has been submitted. After reviewing the file, Chairman Magee stated that in order to complete the application, Ms. Leasure's paid tax receipts, a copy of the Leasure deed and three copies of the survey still need to be submitted. Mr. Michaelsen stated that he would comply. Jim Presley moved to accept the subdivision application and declare it a minor subdivision. John Jensen seconded the motion. Roll call vote was taken, and all members voted, "Aye." Mr. Magee informed the Michaelsens that a public hearing would be scheduled after all submissions needed to complete the application were submitted.

In regards to the Snug Harbor application, Mr. Magee directed the Secretary to file with the minutes of this meeting, the advisory opinion of the Planning Board that was sent to Terry DeBuck, and the letter from Mr. DeBuck to Mr. Tompkins dated January 3, 1997. Discussion followed concerning the septic system at Snug Harbor and the possible impact of additional restrooms being fed into the current system. Mr. Richard Bills of the Hornell Office of the New York State Dept. of Health stated in a conversation with CEO, Terry DeBuck, that proof would have to be submitted to the Dept. of Health that the current system is able to handle the increased septic load. Said proof would have to come in the form of an Engineers report. Concerns regarding the fire code were voiced and briefly discussed. At this time, the Board is awaiting additional submissions from Mr. Tompkins in order to complete the application.

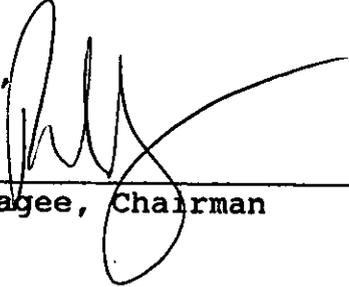
The Board then turned to the Yartym subdivision of land at 8462 Route 54. Mr. Yartym is interested in subdividing the lot into 4 separate lots. The submitted application is incomplete. Needed to complete the application is a copy of the deed showing the water easement, the \$100.00 filing fee and a survey. The Board discussed the amount of parking space needed to accommodate the restaurant, and it was determined that there would be more parking space than is currently required. Mr. Magee will notify Mr. Yartym of the still needed submissions.

Chairman Magee then stated that he would like the Board to appoint a "Deputy Chairperson" to act on his behalf in the event that he was unable to attend a Board meeting. Jim Presley made the motion to appoint Randy Robinson given the length of time that he has served on the Board. Mr. Jensen seconded the motion. Roll call vote was taken. All members voted "Aye."

An overview of the Mercury Aircraft matter concluded this meeting. Mr. Magee reiterated the fact that Mercury has requested an amendment of the zoning law in the Industrial Zone. It is supposed that the Town Board will give the Planning Board the authority to respond to that request. Town Counsel advises that any modification of the code keep the Industrial Zone intact as it exists, and that the modification is made to only those items permitted within the district or, under section 105-12 B and C, the items that would be permitted as a special use. John Jensen has submitted a written suggestion for an amendment to the zoning law in order to provide some flexibility for use of certain historic structures in the Town of Urbana. Said suggestion is dated January 7, 1997 and is filed with the minutes of this meeting. The Board decided to continue informal discussion of this topic after adjournment of this meeting.

As there was no further business to formally conduct, Mr. Presley motioned for adjournment. Mr. Jensen seconded the motion. Roll call vote was taken. All members voted "Aye." This meeting was adjourned at approximately 9:30pm.

Approved,



Robert Magee, Chairman

Mr. Terry DeBuck
Code Enforcement Officer
Town of Urbana

RE: Snug Harbor Building Request

The following is in response to your request for an advisory opinion as to the feasibility of Snug being permitted, under the existing Zoning Code, to construct a residential structure on the premises:

This is not a "yes or no" situation. The Town Zoning Code raises several issues that need to be resolved on the part of the applicant. Should the applicant be able to meet the requirements of the Town Code, as well as other applicable State Building Code and Regional Watershed requirements, he most likely will be able to proceed. The final determination of "yes or no" would be determined by the applicant's ability to comply with the aforementioned, or modify his plans so that they are in compliance. We have outlined the issues that need to be dealt with from the standpoint of the Zoning Regulations, and in each case suggested an avenue by which any concerns might be mitigated.

USAGE

The major issue is with regard to intended usage. The new construction is listed as a dwelling, however it must be considered that the "maximum potential use" may become transient residential. It in addition, it could be deduced that due to the fact that the entire parcel is considered to be a preexisting nonconforming commercial usage, and is leased as such, that any new construction on the parcel might be viewed as an expansion and therefore commercial in nature. The determination as to the status of the project would have to come from the Code Enforcement department or by action of the Zoning Board of Appeals. If it is determined that the project is residential, the question that must be answered is at what point does the term or length of time that a dwelling is made available for rent indicate that it is to be considered a business usage rather than residential. The State Department of Taxation, Sales Tax Division publication #848, pg. 11, indicates that (A) when a dwelling is offered for periods of time of less than one week, or (B) is not equipped with a full kitchen, bath, etc., and is not set up to be able to be inhabited on a full time basis, then the dwelling is considered to be a business property and is taxable accordingly. The Planning Board feels that this is an acceptable benchmark. If the project is considered to be residential we recommend that the applicant be made aware of this and that the Certificate of Occupancy carry a restriction that any transient usage must be of a period of time not less than seven consecutive days.

SETBACKS

The next issue that presents a hurdle is that of setback requirements. It would seem that this project would meet all lot line setbacks. We received a copy of the NYSDOT Right of Way requirements with respects to both the road and the culvert and it seems that the project would meet those requirements. The problem that needs to

be addressed is required setback between the existing and intended structures. The distance between two buildings must be equal to the average height of the two (105-20, para F). Rough calculations indicate that there is not enough space to meet this requirement and still comply with the setback from the highway. The applicant would have to seek a variance from the Zoning Board of Appeals requesting that they grant relief from this requirement. It should be noted that NYS Uniform Fire and Building Codes still will require an minimum distance between the two buildings and that this requirement can not be varied at a local level.

EXISTING SPECIAL USE PERMIT

The applicant received a Special Use Permit on 11/17/92 that allowed an intensification of use which permitted limited transient rental of a portion of the premises. A conditional approval of the Special Use Permit states that... the rental space shall not be expanded nor the character of the property changed in the future. The minutes of that Public Hearing indicate the applicant agreed to that condition and stated that he has no intention of any further intensification upon the premises. The applicant would have to request that this Special Use Permit be modified to allow for the proposed project.

WATERSHED REQUIREMENTS

The applicant would have to meet regional watershed requirements. The Board of Heath may require input based upon the fact the main system is servicing a restaurant.

ADDITIONAL LOCAL CODE REQUIREMENTS

The paperwork that this Board based its opinions on did not have enough information to determine if the intended project exceeded the maximum allowable lot coverage, nor could we determine if existing parking (105-29) is conforming. (The intended use would require additional two spaces over those required for the restaurant). Again, should this become a problem the applicant could seek relief in the form of a Variance.

In summary, this is simply an advisory opinion. In response to the applicant's question "Can I do it?", - There are some unique characteristics and conditions that exist with regard to this parcel may result in additional requirements than it would if the lot was a conforming lot and the structure was a conforming residential structure. To move this application forward we would recommend that the applicant:

Submit additional information including the square footage and dimensions of interior and exterior dining areas, building heights and dimensions, as well as existing and proposed parking lot diagrams, location of existing septic system and any above-ground or underground fuel storage tanks, and more complete lot and structure plans with dimensions.

Submit, in writing, a statement of the intended use of the new structure.

Apply to the Zoning Board of Appeals for modification of the existing Special Use Permit, as well as any variances that may be required for parking and / or Setback relief. Perhaps both could be heard at the same Public Hearing.

Contact the Watershed Department and Board of Health to determine what must be done to comply with applicable waste disposal regulations. Submit any subsequent reports with the application.

Contact the Building Inspector to determine what the State requirements for minimum distances between building will be, should the ZBA grant relief from Local ordinances, as well as any concerns that the Building Inspector may have regarding this project.

Respectfully Submitted,

Bob Magee, Chairman
Marsha Coon, Member
John Jensen, Member
Jim Presley, Member
Randy Robinson, Member



Town of Urbana

41 Lake Street
Hammondsport, New York 14840-0186

Supervisor
607-569-3741

Town Clerk
607-569-3743

Fax #
607-569-2412

1/3/97

Tim Tompkins
1064 Lake Ave.
Rochester, N.Y. 14613

Dear Mr. Tompkins:

After review of your Building Permit Application, which I received on 10/30/96, for zoning compliance, I felt it was necessary to request an advisory opinion from the Planning Board.

I am enclosing a copy of the letter I received from the Planning Board as to there opinion about your project.

If after review of the Planning Board opinion letter you should have any questions, please contact this office.

With regard to the septic system for the proposed dwelling being hooked up to the Snug Harbor system, I contacted Mr. Richard Bills of the Hornell Office of The New York State Department of Health by phone on 12/16/96.

Mr. Bills told me that proof would have to be submitted to the Department of Health that the current system would be able to handle the increased septic load.

This proof would be in the form of a engineers report on the septic system, showing current load, proposed load with addition of new dwelling and system load capacity.

In closing, I would have to consider the Building Permit Application to be incomplete until further submissions are made, at which time I will be in a better position to make a decision.

Sincerely,

Terry DeBuck

Terry DeBuck
Town of Urbana
Zoning Officer
Watershed Inspector

Jan. 7, 1997

From: John Jensen

To: Planning Board

Re: Idea for an amendment to the zoning laws in order to provide some flexibility for re-use of certain historic structures in the Town of Urbana.

Background

There are many buildings in the Town which were designed, built, and in use long before zoning laws were heard of. Many of these buildings are large stone structures that were built for specific industrial and commercial purposes. And most of these buildings are architecturally and historically important (at least locally). Many of these buildings have been empty and unused for years. Finding new uses for these structures is often difficult because of their design and because zoning restrictions limit the ways these buildings can be used. Buildings that are in use tend to be maintained while buildings that are not used tend to be neglected and sometimes abandoned or even demolished. I feel that our zoning laws should make some accommodation in order to foster preservation of buildings that are a part of our heritage.

If a building has been in continual use, that use is "Grandfathered" by our existing laws (section 105-44 Town of Urbana). But if the building has not been in continual use, it may find that the combination of the way it was designed, its size, and the restrictions of the zoning district that it now lies within, make finding a realistic new use impossible.

Proposal

I request that the board consider an amendment to Section 105-44 that would put some flexibility in the code by allowing for adaptive re-use of buildings which are deemed to have historic or architectural value. This amendment would permit existing buildings (which meet certain criteria) to be occupied by uses that would not normally be allowed in the zoning district that they are in. The building which is seeking this relief should have to meet criteria such as:

1. establishing that it has historic or architectural importance
2. establishing the practical difficulties in re-use within the normal zoning district restrictions.
3. site plan review with particular attention to buffers, etc. in order to reduce any negative impact on the neighbors.
4. in return for the relaxation of the code, the owner would make an agreement with the Town that he will continue to do the basic maintenance the building needs and that any changes to the

exterior would be done in a way so as to preserve the building's historic and architectural integrity.

Once all the criteria is met, a "Special Permit for Re-Use of Historic Property" could be granted. This permit could allow a building to be productive and thereby be preserved and continue to be a source of pride for its owners and the community. This "Special Permit" could pass to new owners as long as they signed the agreement to maintain, etc.

This amendment would not be specific to any single district or property. It would apply to all qualifying properties located in any or all of our Zoning districts Town-Wide.

By way of examples, some of the buildings that might qualify are: *Columbia Building; other old Taylor Wine Buildings; old Great Western Buildings; Germania Wine Co.; Barley Hops & Vine; Mallory mill; Opera House; Gold Seal; B & H Rail-Road Depot; various agricultural buildings; etc., etc.*