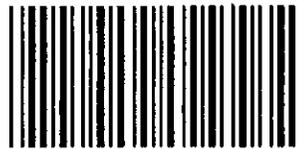


Planning Board



1998



**Town of Urbana Planning Board
Minutes
December 22, 1998**

Present: Robert Magee, Chairman
 John Jensen, Member
 Randy Robinson, Member
 Betty Fitzpatrick, Member
 Carolyn Spicer, Recording Secretary

Others Present: Mr. Thomas Para, Applicant

Chairman Magee opened the **Public Hearing** at 7:21 p.m. regarding Application #98-026 - Thomas Para, 8637 Longwell Cross Road, Hammondsport, New York. Mr. Para has applied for a Minor Subdivision of a 154.637 acre parcel into (1) 146.5 acre parcel, (1) 5.1 acre parcel, and (1) 3.037 acre parcel located at 8637 Longwell Cross Road, Hammondsport, New York.

The following exhibits are on file:

- Exhibit A Letter notifying Mr. Para of the original preliminary review
- Exhibit B Completed Application - receipted paid \$50.00, and includes SEQR Part I complete.
- Exhibit C Code Enforcement Officer's report
- Exhibit D Sketch map
- Exhibit E Photocopy of survey map
- Exhibit E1 Detail addendum to Exhibit D.
- Exhibit F Letter of intent explaining the Subdivision
- Exhibit G Receipt school taxes paid through 9/30/98
- Exhibit H Letter from Attorney Bill Joint explaining that the Town and School taxes will be paid at closing
- Exhibit I Request from Town Clerk to post the public hearing and a copy as it appeared in the Leader.
- Exhibit J Two sketch maps
- Exhibit K Copy of deed
- Exhibit L List of adjacent property owners and letters to them notifying of the public hearing
- Exhibit M Letter from the Town of Urbana Planning Board to Mr. Para notifying of items still needed for the file
- Exhibit N Sketch map
- Exhibit O Copy of Mr. Para's check for the additional \$25.00 fee.

The Public Hearing closed at 7:43 p.m. following discussion. No members of the public present.

The regular meeting of the Town of Urbana Planning Board opened at 7:44 p.m.

SEQR Part II completed. Motion made by John Jensen and seconded by Betty Fitzpatrick that on review the project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye.

Findings:

1. Application is complete. Receipt of paid property taxes is missing, but provided for at closing per Attorney Joint's letter. This meets the requirements of the Town of Urbana.
2. While Parcel B does not have the required road frontage, this was addressed at the November 2, 1998 meeting.
3. No negative response from the County.
4. No negative response from the public.
5. No negative environmental impact found during SEQR review.

Motion made by Bob Magee and seconded by John Jensen that the application meets the requirements of the Subdivision laws and should be granted and approval be conditioned on the statement in Exhibit H in which Attorney Joint indicates the taxes will be paid from the proceeds at closing; and the approval of the Subdivision be further conditioned that taxes be paid or placed in escrow prior to February 2, 1999. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye.

Motion made by John Jensen, seconded by Bob Magee to adjourn at 8:25 p.m.

Respectfully submitted,



Robert Magee, Chairman

Town of Urbana Planning Board
Minutes
December 15, 1998

Present: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member
Betty Fitzpatrick, Member
Brian Flynn, Esq., Town of Urbana Attorney
Carolyn Spicer, Recording Secretary

Others Present: Ms. Barbara Lucas, Applicant
Mr. & Mrs. L. Paul Wood
Mr. & Mrs. Michael Moretti

Chairman Magee opened the **Public Hearing** at 7:15 p.m. regarding Application #98-087 - Barbara Lucas, P.O. Box 15, Scio, New York 14880-0015. Ms. Lucas has applied for a Special Use Permit pursuant to Section 105-15 B.(2).(c) of the Code of the Town of Urbana to operate an art school at 8329 Pleasant Valley Road, Hammondsport, New York.

The following exhibits were presented and are on file:

- Exhibit A- Special Use Permit Application - completed and including the following attachments: photocopy of photograph of structure; tax map; site plan; written proposal describing project; SEQR Part I completed.
- Exhibit B Letter to Town Clerk/Planning Board from Mr. L. Paul Wood with attached excerpt of the deed of the property at 8329 Pleasant Valley Road, Hammondsport, NY
- Exhibit C Notification of this Public Hearing to property owner and applicant, as well as the adjoining property owners
- Exhibit D List of adjoining property owners
- Exhibit E Request to the Corning Leader to publish the notice of this hearing
- Exhibit F Facsimile copy of a letter from Mr. Dorsey authorizing Barbara Lucas to act on his behalf
- Exhibit G 239M referral from the County Planning Board referring the decision back to the Town of Urbana Planning Board
- Exhibit H Letter requesting the 239M referral
- Exhibit I Application for concept review, containing many of the aforementioned documents

Chairman Magee gave a brief overview of the project - to establish an art school in an area zoned residential. Urbana Code 105-10 B (2) (c) does allow, by Special Use Permit, a private school.

Discussion ensued. Ms. Lucas provided a handout of a letter to the Town of Urbana Planning Board stating her opinion as to why she should be granted a Special Use Permit.

It was pointed out by Mr. Flynn that the current property deed includes a covenant stating "...said premises shall be used for residential purposes only. This covenant and restriction shall bind the property described and all other lots upon which the grantors shall impose similar covenants and restrictions but shall not bind any other property of the grantor."

Adjoining property owner, Mr. L. Paul Wood stated, even if he had the right to remove the covenant, which he originated, he has no intention of removing the covenant from the deed.

Mr. Flynn recommended that because of the encumbrance in the deed, the Town of Urbana Planning Board should not at this time consider the Special Use Permit.

The Public Hearing was recessed at 8:17 p.m. until February 2, 1999 at 7:15 p.m. to allow Ms. Lucas to consult legal counsel for an opinion and citation of law supporting her application. This opinion is to be submitted to Mr. Flynn no later than January 26, 1999.

Motion made by Bob Magee, seconded by John Jensen to recess. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye.

Respectfully submitted,

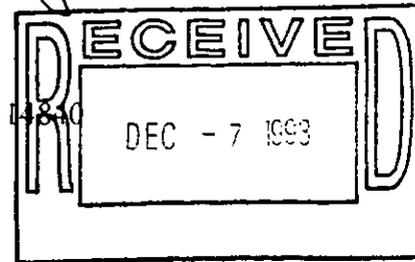
Robert Magee, Chairman

Attachments: Letter from Mr. L. Paul Wood
Letter from Ms. Barbara Lucas

Barbara Lucas
Special Use Permit

CAROLYN

Hammondsport, N.Y. 14840
December 4, 1998



Town Clerk
Town of Urbana
Hammondsport, N.Y. 14840
Attn: Planning Board

Enclosed please find copy of deed transfer for the Octagon property now owned by Robert Dorsey and subject to possible rental or sale to Ms. Barbara Lucas, P.O. Box 15 Scio, N.Y.

I am not sure that Ms. Lucas has been informed of possible conflict of interest in her business with stipulations in deed for property.

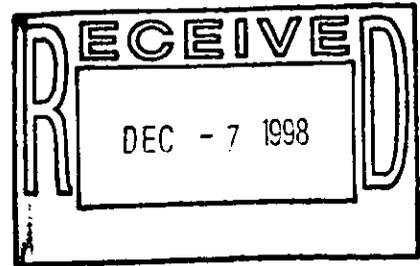
I plan on attending the public hearing but in case I don't make it please inform Ms. Lucas as to the circumstances concerning the property.

Thank you,

L.P. Wood

8333 Pleasant Valley Rd
Hammondsport, N.Y. 14840.

L. P. Wood



Octagon House property

Property description from deed (book 835 page 226)

All that tract or parcel of land situate in the Town of Urbana, County of Steuben, and State of New York - Bounded and Described as follows:

Beginning at an iron pin set at the North East corner of the Miller lot, running thence southwesterly and along the lines of the Miller, a distance of 105 feet, more or less, to a point on the center line of the Bath and Hammondsport road; thence in a generally easterly direction along the center line of the said Bath and Hammondsport road for a distance of 372 feet, more or less, to a point on the center line of said Bath and Hammondsport road; thence in a generally northerly direction and along the westerly line of lands of L. Paul Wood and Elsie Wood, his wife, for a distance of 293 feet more or less, to an iron pin; thence westerly on a line parallel with said Bath and Hammondsport road for a distance of 300 feet more or less, to an iron pin; thence in a south westerly direction and along the lands of Terwilliger for a distance of 111.2 feet, more or less to an iron pin; thence in a south westerly direction and along the lands of Terwilliger for a distance of 126.93 feet, more or less to an iron pin which is the point and place of beginning containing approximately 1¼ acres of land.

Being a part of the same premises conveyed to the grantors by warranty deed dated January 7, 1959 and recorded in the Steuben County Clerk's office on January 7, 1959, in Liber 752 of deeds at page 133.

The Conveyance is subject however, to the following covenant and restriction to which the parties of the second part do hereby agree and which shall run with the land and be binding up on such parties and their assigns to wit-

1. No liquor business, bar, tavern, saloon, bottle club, amusement place or any nuisance shall be permitted or maintained up on the premises, but said premises shall be used for residential purposes only.

This covenant & restriction shall bind the property above described and all other lots upon which the grantors shall impose similar covenants and restrictions but shall not bind any other property of the grantor.

Recorded November 24, 1965

December 11, 1998

Town of Urbana Planning Board
41 Lake Street
Hammondsport NY 14840

Dear Town of Urbana Planning Board:

RE: Special Permit to Establish an Art School at the Octagon House

I have been asked by the Town of Urbana attorney to provide a letter stating my opinion as to why I should be granted a Special Use Permit in light of the fact that a deed restriction exists on the Octagon House property which excludes non residential use. A copy of the deed restriction is included with this letter.

It is my understanding that a Special Use Permit would be required to establish an art school at the Octagon House, regardless of the existence of any deed restriction, because the property is located in a residential zone. In fact, a Special Use Permit is required to establish a school at any location in the Town of Urbana. My first concern and the interest of the Town of Urbana is to determine whether the actual property is suitable for the establishment of an art school and whether there are objections specific to the establishment of an art school from parties currently neighboring the Octagon property, or other interested parties. If there are no objections from these parties, there is no one with any right to object. It is my opinion that future neighbors would have no right to object based on the fact that the school would have been a preexisting condition when they purchased the property. It is however, my intention to have the deed restriction removed before purchasing the property so that there could be no objection on that ground by any future owners. The actual procedure for having the deed restriction removed involves determining whether existing interested parties have any objections. Since this procedure duplicates the Special Use Permit process, there should be no problems.

I further assert that the deed restriction is simply a form of zoning enacted prior to the existence of zoning in the Town of Urbana and that the current zoning and regulations supersede the terms of the restriction rendering it invalid.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara Lucas".

Barbara Lucas



This Indenture

Made the 12th day of
Nineteen Hundred and Seventy-Eight

Between FRED ROSETTE and DOROTHY ROSETTE, his wife, residing in
the Town of Urbana, County of Steuben and State of New York

parties of the first part, and

KENNETH E. LANGWORTHY and MARTHA A. LANGWORTHY, husband and wife as
tenants by the entirety, residing at 10 Thorpe Avenue, Village of
Hammondsport, Steuben County, New York,

parties of the second part,

Witnesseth that the parties of the first part, in consideration of
ONE Dollar (\$1.00)
lawful money of the United States, and other good and valuable consideration
paid by the part of the second part, do hereby grant and release unto the
part of the second part, and assigns forever, all

THAT TRACT OR PARCEL OF LAND situate in the Town of Urbana, County of
Steuben and State of New York, bounded and described as follows:
Beginning at an iron pin set at the northeast corner of the Miller lot,
running thence southwesterly and along the lands of Miller for a dis-
tance of 105 feet, more or less, to a point on the center line of the
Bath and Hammondsport Road; thence in a general easterly direction
along the center line of the said Bath and Hammondsport Road for a dis-
tance of 372 feet, more or less, to a point on the center line of said
Bath and Hammondsport Road; thence in a general northerly direction
and along the westerly line of the lands of L. Paul Wood and Elsie
Wood, his wife, for a distance of 293 feet, more or less, to an iron
stake; thence westerly on a line parallel with the said Bath and
Hammondsport Road for a distance of 300 feet, more or less, to an iron
pin; thence in a southeasterly direction and along the lands of Ter-
williger for a distance of 111.2 feet, more or less, to an iron pin;
thence in a southwesterly direction and along the lands of Terwilliger
for a distance of 126.93 feet, more or less, to an iron pin which is
the point and place of beginning, containing approximately 1-1/4 acres.

BEING the same premises conveyed to the Grantors herein by Warranty
Deed dated November 23, 1965 and recorded in the Steuben County Clerk's
Office on November 24, 1965 in Liber 835 of Deeds at Page 226.

THIS CONVEYANCE IS SUBJECT, HOWEVER, to the following covenant and
restriction to which the parties of the second part do hereby agree
and which shall run with the land and be binding upon such parties and
their assigns, to wit:

1. No liquor business, bar, tavern, saloon, bottle club,
amusement place or any nuisance shall be permitted or maintained upon
the premises, but said premises shall be used for residential purposes
only.

This covenant and restriction shall bind the property above-described
and all other lots upon which the Grantors shall impose similar cove-
nants and restrictions; but shall not bind any other property of the
Grantors.

3110

RECEIVED
\$71.50
REAL ESTATE
MAY 12 1978
TRANSFER TAX
STEBEN
COUNTY

RECORDED

MAY 12 4 41 PM '78
STEBEN COUNTY
CLERK'S OFFICE

Deh

**Town of Urbana Planning Board
Minutes
December 1, 1998**

Present: Robert Magee, Chairman
John Jensen, Member
Randy Robinson, Member
James Presley, Member
Betty Fitzpatrick, Member
Carolyn Spicer, Recording Secretary

Others Present: Mr. Eldon Hough
Mr. Edward Bauer

Chairman Magee opened the **Public Hearing** for Eldon Hough at 7:20 p.m. #98-027 - declared at the previous meeting of the Town of Urbana Planning Board to be a minor subdivision: 131.266 acres to be consolidated with 2.964 acres piece. The piece to be sold is 2.457 acres.

The following exhibits are on file:

- Exhibit A Notice to Mr. Hough of this meeting
- Exhibit B Code Enforcement Officer's Report
- Exhibit C Completed Application, receipted for \$50.00
- Exhibit D Watershed Inspection Report, receipted paid
- Exhibit E Request for consolidation from the Assessor
- Exhibit F Sketch map
- Exhibit G Written statement from Eldon Hough indicating what he is applying for
- Exhibit H Addendum to statement
- Exhibit I Property taxes - School, Town, and County
- Exhibit J SEQR Part 1 completed
- Exhibit K Sketch map
- Exhibit L Sketch map
- Exhibit M Map of septic system
- Exhibit N List of adjacent property owners and addresses
- Exhibit O Receipt for \$50.00 from the Town Clerk
- Exhibit P Copy of Deed
- Exhibit Q Additional property tax receipts
- Exhibit R Warranty Deed
- Exhibit S Updated sketch map showing consolidation and subdivision
- Exhibit T Survey of entire lot

Additional exhibits presented include: updated survey as requested at the Preliminary Hearing; letters to adjacent property owners; notice to public the Public Hearing notice; letter from Mr. & Mrs. Barry voicing no objection.

Mr. Bauer viewed the survey map and had no further questions.

Chairman Magee opened the **Regular Meeting** at 7:36 p.m.

SEQR Part I completed regarding application #98-027, Eldon Hough. Determination made that the project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared. Motion made by James Presley to accept, seconded by John Jensen. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Jim Presley, aye; 4. Betty Fitzpatrick, aye; 5. Bob Magee, aye.

Findings: No objections raised at the Public Hearing. No environmental impacts found in SEQR. Meets all requirements of the Town of Urbana. Application is complete.

Motion to approve the Minor Subdivision made by John Jensen, seconded by Betty Fitzpatrick. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Jim Presley, aye; 4. Betty Fitzpatrick, aye; 5. Bob Magee, aye.

A. Minutes of the November meeting were reviewed. Accepted as amended. Motion made by Betty Fitzpatrick to accept, and seconded by John Jensen.

B. Old Business

a.) Subdivision

1. Kelly Subdivision - No new submissions. The Board was notified by Richard Gardner that the Town of Urbana does not own the adjoining property.
2. Easy Plus Subdivision - No update.
3. Doyle Subdivision - Letter sent to Mr. Doyle (copy attached) notifying Mr. Doyle to get an updated map and survey. Planning Board meeting minutes from December 2, 1997: *"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."*
4. Para Subdivision - No update.

b.) Concept/Site Plan Review - None

c.) Special-Use Permit

1. Barbara Lucas - Public Hearing scheduled for 12/15/98 at 7:15 p.m. Letter (copy attached) from Robert E. Dorsey, the property owner, authorizing the Special Use Permit.

d.) ZBA Opinions - None

e.) Planning Issues

1. Sign Law(s) - Copies of the Sign Law will be mailed to each member for review with the next Board packet.
2. The Jensen Plan - the concept is accepted by the Planning Board, and will be given to the Village Board for review.

C. New Business

a.) Subdivision - None

b.) Concept/Site Plan Review

- 98-090
1. Site Plan Review Application **Martin Cornish**: Motion by James Presley to waive any further review based on Code Enforcement Officer's report, with a cautionary note regarding a previous landslide at that site and whether a recurrence has been addressed. Seconded by John Jensen. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Jim Presley, aye; 4. Betty Fitzpatrick, aye; 5. Bob Magee, aye.

A letter will be sent to the Code Enforcement Officer requesting an investigation of reports that an illegal landfill exists across the road from the site.

- 98-093
2. Site Plan Review Application **Peter Krog**: Motion by James Presley to waive any further review based on Code Enforcement Officer's report. Seconded by Betty Fitzpatrick. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Jim Presley, aye; 4. Betty Fitzpatrick, aye; 5. Bob Magee, aye.

c.) Special Use Permit - None

d.) ZBA Opinions

1. Zoning Board of Appeals Application for Special Use Permit **#98-086** - Joseph Sheehan: Based on the terrain, the Planning Board feels the variance should be granted.

e.) Planning Issues - None

A motion was made at 8:20 p.m. by Mr. Presley and seconded by Mr. Robinson to adjourn the meeting.

The next regular meeting is scheduled for **Tuesday, January 5, 1999** at 7:00 p.m.

Respectfully submitted,

Robert Magee, Chairman

Attachments: Letter to Mr. Michael J. Doyle
Letter from Robert F. Dorsey

November 27, 1998

Mr. Michael J. Doyle
54 Lake Street
Hammondsport NY 14840

Dear Mr. Doyle,

It has come to our attention that the Planning Board is unable to set a date for your Minor Subdivision Hearing until we address problems with the Final Plat Map. The areas of concern on the map that you submitted, as drawn by LKB, Consulting Engineers, are as follows:

1. There are inconsistencies between the LKB map and the tax map that was submitted as a sketch map. The tax map indicates a total area of 380.8 acres, while the LKB map indicates a total area of 531.68 acres.
2. Comparison of the LKB map to the tax map indicates that portions of the original parcel bordering Route 54A have been sold. Were these part of a previous Subdivision?
3. The LKB map does not show the current parcel that is to be conveyed to Pederson.
4. We have accepted maps drawn by LKB in previous Subdivisions, however each was stamped by a licensed surveyor. The map that was most recently submitted is not certified by a surveyor.

It is our conclusion, that in order to proceed, the Final Plat map to be filed with the County be updated as follows:

1. The boundaries of the parcel to be subdivided be defined to provide an updated description of this parcel. If those portions bordering Route 54A are part of an earlier unapproved Subdivision, include them on this map and we will use this opportunity to bring this record of this parcel current. If they were part of an approved Subdivision, eliminate them from the map.
2. Indicate on the map the parcel which is to be conveyed to Pederson. This parcel should be labeled as "Parcel 1, 89.742 Acres, To Be Conveyed to Pederson" The balance of the parcel should be labeled as "Parcel 2" and include the area in acres.

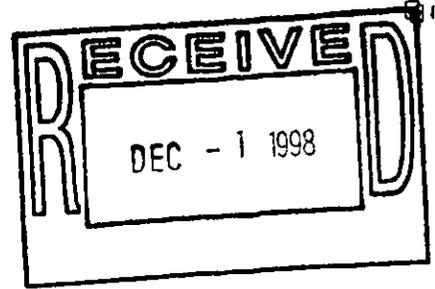
3. The updated map must be certified by a licensed surveyor.

We apologize for the delay in this matter. Upon receipt of the aforementioned, we will immediately schedule a Public Hearing.

Respectfully,

Respectfully,
The Town of Urbana Planning Board

Bob Magee, Chairman
Betty Fitzpatrick, Member
John Jensen, Member
Jim Presley, Member
Randy Robinson, Member



ROBERT F. DORSEY
601 Pennsylvania Avenue, N.W.
North Building #406
Washington, D.C. 20004

December 1, 1998

Town of Urbana
41 Lake Street
Hammondsport, NY 14840

To Whom It May Concern:

This letter is to confirm that Ms. Barbara Lucas is acting with my knowledge and authority in seeking approval of the required permits/variances for her use of my property located at 8329 Old Bath Road in the Town of Urbana.

If additional information is required, I may be reached at the above address, tel 202-639-0841, fax 202-393-8439, or at my permanent residence, 266 Wellingwood Drive, East Amherst, New York, 14051, tel 716-689-9397.

Thank you for your attention to this matter.

Very truly yours,

Robert F. Dorsey

RFD/p

cc: Barbara Lucas

Town of Urbana Planning Board
Minutes
November 2, 1998

Present: Robert Magee, Chairman.
John Jensen, Member
Randy Robinson, Member
James Presley, Member
Carolyn Spicer, Recording Secretary

Others Present: David Oliver, Code Enforcement Officer
Mr. Michael Doyle
Mr. Eldon Hough
Mr. Tom Para

Chairman Magee opened the meeting at 7:10 p.m.

A. Minutes of the October meeting were reviewed. Accepted pending the following change: Page 3, Item C. New Business, b.) to read: *"Brief discussion regarding a suggestion to the Town Board that Section 105.44F 1(c) of the code be modified. This section specifies an unusually small setback and should be removed. Motion made by John Jensen and seconded by Robert Magee. Unanimous ayes."* Motion made by John Jensen to accept, pending this change and seconded by Robert Magee.

B. Old Business

a.) Subdivision

1. Kelly Subdivision - No new submissions. Chairman Magee received a phone call from the attorney, indicating they will be submitting a new application
2. Easy Plus Subdivision - No new submissions.
3. Ida Jackson - Update - A submission was received indicating conditions will be met. Received a call from the Code Enforcement Officer indicating construction was not taking place in accordance with requirements. (Letter from Ida Jackson attached.)

b.) Concept/Site Plan Review - None

c.) Special Use Permit - None

d.) ZBA Opinions - None

e.) Planning Issues

1. Sign Law(s) - Bob Magee will mail copies of the Sign Law to each member for review.
2. Dave Oliver's Subdivision Application form was discussed. No changes.

C. New Business

a.) Subdivision

1. **#98-028** - Michael Doyle - Preliminary Hearing

The following exhibits are on file:

- Exhibit A Code Enforcement Officer's Report
- Exhibit B Includes: Completed application received for \$50.00; Part 1. SEQR completed; Sketch map; Tax map; School taxes paid; List of adjacent property owners and parcel numbers
- Exhibit C Town and County taxes
- Exhibit D Sketch
- Exhibit E Survey map of parcel to be sold

Bob Magee will try to find the master survey map already on file in the Town Clerk's Office, to determine if the correct survey is stamped as exhibit.

A Public Hearing was set for November 19, 1998 at 7:15 p.m., at which time a copy of the deed is required. Motion was made by Jim Presley to accept the application and declare it a Minor Subdivision, seconded by John Jensen.

2. **#98-027** - Eldon Hough - Preliminary Hearing

The following exhibits are on file:

- Exhibit A Notice to Mr. Hough of this meeting
- Exhibit B Code Enforcement Officer's Report
- Exhibit C Completed Application, received for \$50.00
- Exhibit D Watershed Inspection Report, receipted paid
- Exhibit E Request for consolidation from the Assessor
- Exhibit F Sketch map
- Exhibit G Written statement from Eldon Hough indicating what he is applying for
- Exhibit H Addendum to statement
- Exhibit I Property taxes - School, Town, and County
- Exhibit J SEQR Part 1 completed
- Exhibit K Sketch map

Exhibit L	Sketch map
Exhibit M	Map of septic system
Exhibit N	List of adjacent property owners and addresses
Exhibit O	Receipt for \$50.00 from the Town Clerk
Exhibit P	Copy of Deed
Exhibit Q	Additional property tax receipts
Exhibit R	Warranty Deed
Exhibit S	Updated sketch map showing consolidation and subdivision
Exhibit T	Survey of entire lot

A Public Hearing was tentatively set for November 19, 1998 at 7:30 p.m., contingent on Mr. Hough having a completed survey by that time.

3. **#98-026** - Tom Para - Preliminary Hearing

The following exhibits are on file:

Exhibit A	Notification to Mr. Para of this meeting
Exhibit B	Completed application includes: SEQR Part 1 completed; 1998 School tax bill, due; Sketch map
Exhibit C	Code Enforcement Officer's Report which includes: List of adjacent property owners and parcel numbers; sketch map showing entire parcel and intended subdivision; letters indicating what Mr. Para would like to do; copy of School taxes.
Exhibit D	Sketch map - detailed view
Exhibit E	Photocopy of survey map showing the larger parcel

Mr. Para is requesting a waiver of the 250 foot road frontage requirement. In order to meet this requirement he would have to place the new property line within a vineyard. Upon review the Board made the following findings:

1. The 250' required road frontage is to protect the rural nature of the community.
2. The majority of the lot proposed by Mr. Para is at least 250', with the rear property line being 289.25'.
3. Moving the property line to the Northwest would impede access to that portion of the farm.
4. It is determined to be impractical to subdivide a working vineyard. Mr. Para's request is in keeping with the spirit and intent of the Town Code.

A motion was made by Bob Magee and seconded by John Jensen to waive the 250' road frontage requirement as permitted by Town Code 93-28. Roll call vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Jim Presley, aye; 4. Bob Magee, aye.

A motion was made by Bob Magee and seconded by John Jensen to declare this a Minor Subdivision, 124.10 acre parcel to be divided into 3 parcels as follows: Parcel A, 115.963 acres; Parcel B, 5.1 acres; Parcel C, 3.037 acres.

A Public Hearing was scheduled for November 19, 1998 at 7:45 p.m. At that time Mr. Para is required to have 1.) a statement from the bank or his attorney showing that the 1998 School tax is to be paid at closing; 2.) portions of the application amended to indicate 3 parcels rather than 2; 3.) a new survey map showing the 3 parcels; 4.) receipt for an additional \$25.00 fee for the third parcel; 5.) copy of Deed(s).

b.) Concept/Site Plan Review

1. Site Plan Review Application **#98-083** - Ed Jackson, Sr.: Motion by James Presley to waive any further review based on Code Enforcement Officer's report. Seconded by John Jensen. Roll call vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Jim Presley, aye; 4. Bob Magee, aye.
2. Site Plan Review Application **#98-087** - Stuart Denison: To be returned to Code Enforcement Officer DeBuck for clarification. Sideyard setback appears to be inadequate.
3. Site Plan Review Application **#98-085** - Scott Kolo: Members disagree with the assessment of the Code Enforcement Officer that it does not need any permits. Construction should not take place before the Site Plan Review is approved.

c.) Special Use Permit - None

d.) ZBA Opinions

1. Zoning Board of Appeals Application for Special Use Permit **#98-084** - Edward Sahrle: Denied for the following reasons: 1.) it is approaching maximum coverage of the lot; 2.) if a bedroom is added, there must be documentation of an adequate septic system. Town of Urbana Board of Appeals will hold a hearing on the variance of sideyard, frontyard setback at 7:00 p.m. on November 12, 1998.

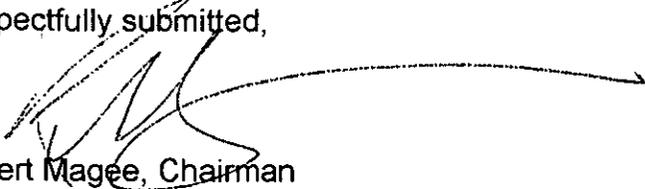
e.) Planning Issues

1. The Jensen Plan - Tabled until November 19, 1998 following the Public Hearings, to allow members to further review the plan.

A motion was made at 10:15 p.m. by Mr. Presley and seconded by Mr. Robinson to adjourn the meeting.

The next regular meeting is scheduled for **Tuesday, December 1, 1998** at 7:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Magee', with a long horizontal line extending to the right.

Robert Magee, Chairman

Attachments: Letter from Ida Jackson

**Town of Urbana Planning Board
Minutes
October 6, 1998**

Present: Robert Magee, Chairman
 John Jensen, Member
 Randy Robinson, Member
 Betty Fitzpatrick, Member
 Carolyn Spicer, Recording Secretary

Others Present: David Oliver, Code Enforcement Officer
 Mr. & Mrs. John Soloski

Town of Urbana Planning Board - Public Hearing

Chairman Magee reconvened the Public Hearing at 7:20 p.m., regarding a Special Use Permit for John Soloski to run a retail gift shop out of a residential building, where the location is zoned agricultural. The first part of the Public Hearing was held on September 21, 1998.

The following exhibits are on file:

Exhibit A	Completed application and notice that the \$35.00 fee has been paid
Exhibit B	Notice of posting in <i>The Leader</i> advertising the Public Hearing
Exhibit C	Letter requesting the posting
Exhibit D	Letter to applicant scheduling the Public Hearing
Exhibit E	239-M Referral returned by the County Planner deferring the decision to the Town
Exhibit F	Cover letter for 239-M
Exhibit G	State Environmental Quality Review (SEQR) Part I completed
Exhibit H	Series of sketch maps
Exhibit I	List of adjacent property owners
Exhibit J	Letter from applicant describing the project
Exhibit K	Second notice of reconvening sent Return Receipt Requested to applicant

At the September 21, 1998 Public Hearing, one person was present. Connie Cook, the neighbor to the east was present, and indicated she had no problem with this type of use of the property. No members of the public were present at the October 6, 1998 meeting.

SEQR Part II was completed. The applicant will be notified in writing on October 7, 1998. Motion made that the project will not result in any large and important impact(s) and, therefore, is one which will not have a significant impact on the environment, therefore a negative declaration will be prepared. Motion made by John Jensen to approve the application, and seconded by Randy Robinson. Roll call vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Robert Magee, aye.

The findings are: (a) no negative comments from the public; (b) the project keeps in general character with the area; (c) the project meets the requirements of the code; (d) no environmental issues discovered; (e) does not require Site Plan Review; (f) parking exceeds Town code requirements; and (g) no negative response on the 239-M. A roll call vote of the members was taken and all members voted "aye". Motion made by John Jensen, seconded by Betty Fitzpatrick to accept the findings and grant the Special Use Permit. Roll call vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Robert Magee, aye.

Discussion ensued regarding a letter to be sent by the Town of Urbana Planning Board to the Zoning Board, recommending rezoning the area from agricultural to residential.

Town of Urbana Planning Board - Regular Meeting

A. Minutes of previous meeting approved.

B. Old Business

a.) Subdivision

1. Kelly Subdivision

Brief discussion ensued regarding the issue. It is the feeling of the Board that the July 13, 1998 response to the Board's letter of June 3, 1998 informing the applicant of items missing in the application, does not supply the requested information. Dave Oliver, Code Enforcement Officer, is to determine what is still needed, and contact the applicant.

2. Easy Plus Subdivision

No new submissions.

b.) Concept/Site Plan Review

1. Chairman Magee provided copies of his letter to Richard Gardiner (copy attached). Randy Robinson spoke to the Town Board during this meeting to inquire when they would meet, as requested in the Chairman's letter, to clarify the Site Plan Review Law. The Board responded that it would schedule a meeting in three to four weeks. It is requested that all Code Enforcement Officers be present at that meeting.
2. The Planning Board will continue to look at all site plan applications until the meeting takes place, assuming the meeting is within four weeks.
3. Site Plan Review Application #98-078 - Jill Kilsdonk: Motion by John Jensen to waive any further review, based on Code Enforcement Officer's report. Seconded by Randy Robinson.
4. Site Plan Review Application #98-076 - Joseph and Gloria Woods. Motion made by Robert Magee to waive any further review, based on Code Enforcement Officer's report. Seconded by John Jensen.
5. Site Plan Review Application #98-077 - Richard Falvey, Jr. Motion made by John Jensen to waive further review, based on Code Enforcement Officer's report. Seconded by Robert Magee.

c.) ZBA Opinions - None

d.) Planning Issues - None

C. New Business

- a.) Brief discussion of new subdivision application forms designed by Dave Oliver (copy attached). The forms are to be reviewed by members and recommended changes discussed at the next regular meeting.
- b.) Brief discussion regarding a suggestion to the Town Board that Seciton 105.44F 1(c) of the code be modified. This section specified an unusually small setback and should be removed. Motion made by John Jensen and seconded by Robert Magee. Unanimous ayes.
- c.) Late filing fees were discussed. Chairman Magee to contact Dick Gardiner regarding the status.

Minutes - Town of Urbana Planning Board - October 6, 1998

Page 4

A motion was made at 8:53 p.m. by Chairman Magee and seconded by Betty Fitzpatrick to adjourn the meeting.

The next regular meeting is scheduled for **Tuesday, November 3, 1998** at 7:00 p.m.

Respectfully submitted,

Robert Magee, Chairman

Attachments: Letter of 9/6/98 to Dick Gardiner

September 16, 1998

To: Dick Gardiner
From: Town Planning Board

Re: Site Plan Review Law and Procedures

The Planning Board has come to the conclusion that, collectively and individually, all those involved in administering the Site Plan Review Law are confused as to the specifics of the law. Currently this Law is being administered improperly and is generating a fair amount of negative publicity for the Town. There seems to be a great deal of confusion as to the intent, applicability, and specific procedures. We are suggesting that you schedule a work session with all those involved in administering this ordinance, as well as members of your Board, so that we can come to a consensus as to how to properly utilize this law. We suggest that you contact Attorney Flynn and request that he also be present so that he may explain and decipher the Law and accompanying procedures. Those that need to be present are:

Attorney Flynn
Deb Pierce
Terry DeBuck
Planning Board Members
Town Board Members

We hope that you can schedule such a meeting as soon as possible before this situation deteriorates.

Respectfully
Bob Magee

TOWN OF URBANA PLANNING BOARD SPECIAL MEETING
SEPTEMBER 30, 1998

PRESENT: CHAIRMAN ROBERT MAGEE
 JOHN JENSEN
 BETTY FITZPATRICK
 JIM PRESLEY

ABSENT: RANDY ROBINSON (MINUTES TRANSCRIBED FROM TAPE)

OTHERS PRESENT: LINDA BAIRD

The Special Meeting was called to order at 4:30 P.M. to review a number of site plan review applications.

The Planning Board discussed a need to review site plan review procedures in order to clear up any confusion in the administering the duties of all those involved in the site plan review process.

The Board reviewed Celito Lindo Application for Site Plan Review.

1. SEQRA application for their Special Use Permit
 2. SEQRA application for thier Site Plan Review
 3. Steuben County Planning Board 239-M for Site Plan Review and Special Use Permit
 4. Diagram of proposed building
 5. Test Hole results
 6. Floor Plan of Building
 7. Plan of parking, landscaping, building location, fire lanes, driving lanes, drainage control
- This has been re-submitted since the concept review because the original plan showed 2 driveways. The new one is a singular, paved, 24' wide driveway.
8. Tax parcel map showing location of proposed restaurant on the land

Board asked Linda Baird what type of roof material would be used. The Board discussed the outside appearance of the site during the winter months. Linda said it has been graded in preparation for delivery of the building. The Board further explained the need to keep Rt. 54's appearance up and that they would not like to see it still under construction in August of 1999. Ms. Baird assured the Board that the project would be under way by July 31st., and that the landscaping would be well under way, if not completed by then.

Chairman Magee and the Board discussed the letter concerning existing water line that supplies the hospital with water. Board also discussed Supervisor Gardiner's letter in response to Neil Wrinkle's letter. (Letter on file with application) Board asked whether they plan on connecting to this line. Ms. Baird explained that the DOH suggested they pursue connecting to this line.

The Board reviewed the SEQR, part I as completed by applicant and proceeded to part 2. Upon review of the information recorded on the EAF, and any other supporting information,

A Motion was made by James Presley and seconded by John Jensen and carried, all voting Aye, that considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this project will not result in any large and important impact on the environment and that a Negative Declaration be declared.

ROLL CALL VOTE:	Robert Magee	Aye
	John Jensen	Aye
	Elizabeth Fitzpatrick	Aye
	James Presley	Aye

Motion was passed.

FINDINGS:

The Board made note that Celito Lindo had a Special Use Public Hearing on June 18, 1998 and no one attended to voice any concerns with this project.

1. No negative comments on Steuben County Planning Board M239 referral
2. No negative comments at Special Use Public Hearing on June 18, 1998
3. No Negative Environmental Concerns on EAF
4. During Concept Review the Board had concerns on the location of driveway, this has been addressed
5. Landscaping concerns have been addressed. Applicant indicates that planting and seeding will Be completed by July 31, 1999.

On motion of James Presley and seconded by Elizabeth Fitzpatrick and carried all voting Aye, to waive any further site plan review on this application as submitted by applicant.

ROLL CALL VOTE:	Robert Magee	Aye
	Elizabeth Fitzpatrick	Aye
	Jim Presley	Aye
	John Jensen	Aye

The Board discussed application of Allan Sherry. Mr. Sherry submitted a new plan that shows he shortened the breezeway between the house and the garage to the minimum allowed by NYS Building and Fire Code of 5'. That gave him setback from property line of 13 feet. This was the only issue the Planning Board had on the Sherry application.

On Motion of John Jensen and seconded by Robert Magee and carried, all voting Aye, that based on the latest submissions from Mr. Sherry, which show 13' between the new garage and the grange, the board waives any further site plan review of this application.

ROLL CALL VOTE:	Robert Magee	AYE
	John Jensen	AYE
	Betty Fitzpatrick	AYE
	Jim Presley	AYE

SITE PLAN REVIEW APPLICATIONS:

BRUCE AND LORINDA ADAMS: 98-071 - 412 West Lake Road, Hammond sport, NY
Requesting addition of 12' X 33' aluminum patio cover over existing deck. Code Enforcement Officer's report states application meets code.

On Motion of Robert Magee and seconded by Jim Presley and carried all voting Aye, to waive any further site plan review on this application.

ROLL CALL VOTE:	Robert Magee	Aye
	John Jensen	Aye
	Jim Presley	Aye
	Betty Fitzpatrick	Aye

RAMONA BURLEW AND JUDITH CAGLE: 98-073 - 8957 Telegraph Road, Bath, NY.
Requesting to install a 14 X 70 used mobile home with ridged roof and construct a 30 x 60' metal building to be used as a garage. Code Enforcement Officer's Report states application meets code.

On Motion of Jim Presley and seconded by John Jensen and carried, all voting Aye, to waive any further site plan review on this application.

ROLL CALL VOTE:	Robert Magee	Aye
	John Jensen	Aye
	Jim Presley	Aye
	Betty Fitzpatrick	Aye

CALVIN STOUTZ: 98-021 175 East Lake Road, Hammond sport, NY. The Board discussed this at a previous meeting. Calvin Stoutz was granted a Variance for this on 4/9/98.

On Motion of John Jensen and seconded by Jim Presley to waive any further site plan review on this application.

ROLL CALL VOTE:	Robert Magee	Aye
	John Jensen	Aye
	Jim Presley	Aye
	Betty Fitzpatrick	Aye

ROBERT MORI: 98-074 Co. Rt. 76. Hammond sport, NY. Application to construct a carport to store his boat. Code Enforcement Officers report states this application meets code.

On Motion of Jim Presley and seconded by John Jensen and carried, all voting Aye, to waive any further site plan review on this application.

ROLL CALL VOTE:	Robert Magee	Aye
	John Jensen	Aye
	Jim Presley	Aye
	Betty Fitzpatrick	Aye

GERRY BRONSON: 98-069 Fish Hatchery Road, Bath, NY. Application to build a one car attached garage, handicap accessible and to construct a 12 x 20 structure for storage. Code Enforcement Officers report states this application meets code.

On Motion of John Jensen and seconded by Jim Presley and carried, all voting Aye, to waive any further site plan review on this application.

ROLL CALL VOTE:	Robert Magee	Aye
	John Jensen	Aye
	Jim Presley	Aye
	Betty Fitzpatrick	Aye

Chairman Magee reported that the Town Clerk ordered site plan review instruction booklets.

Board discussed the site plan review process and discussed the possibility of changing the site plan review process to review only those applications that involve multi family dwellings and businesses.

On Motion of Jim Presley and seconded by Betty Fitzpatrick and carried, all voting Aye, to adjourn the meeting.

Respectfully Submitted,

Robert Magee, Chairman
Town of Urbana Planning Board

Get additional
connections from Bob
I want one connection

**TOWN OF URBANA PLANNING BOARD
SEPTEMBER 28, 1998**

PRESENT: **ROBERT MAGEE, CHAIRMAN**
 JIM PRESLEY, MEMBER
 JOHN JENSEN, MEMBER
 BETTY FITZPATRICK, MEMBER
 RANDY ROBINSON, MEMBER

(MINUTES WERE TRANSCRIBED FROM TAPE)

OTHERS PRESENT: **PAT CROWE (REPRESENTING HERON HILL)**

Chairman Magee called the re-convened **Public Hearing for Heron Hill** at 7:54 P.M.
Chairman Magee explained that this Public Hearing was recessed on September 21, 1998.

Mr. Doyle had been contacted and stated he would not be attending the meeting.

Chairman Magee explained that at the Site Plan Review Public Hearing held on September 21, 1998 for Heron Hill, the original SEQRA was not available, but since then a completed, original SEQRA had been Federal Expressed to the Town Clerk on September 23, 1998. The watershed report was not available at that Public Hearing, but that the report was filed on September 24, 1998 with the Town Clerk.

Chairman Magee explained that at the Public Hearing on September 21, 1998, the 239-M referral received on September 17, 1998 from the Steuben County Planning Board was discussed. When the 239-M referral was sent on September 16, 1998, it did not include a SEQRA or the Watershed Report, it was then questioned whether the Steuben County Planning Board or the Town Planning Board had adequate information to make a decision. The Town Clerk submitted the original SEQRA and the Watershed Report to the Steuben County Planning Board on September 28, 1998.

Chairman Magee spoke to Mr. Greg Heffner on September 28, 1998 concerning the Steuben County Planning Board's decision without having the original SEQRA and the Watershed Report. Mr. Heffner gave Chairman Magee verbal permission to proceed with their decision with facts in hand and that the additional submissions would not alter their original decision. Chairman Magee requested the Town Clerk to document that conversation and attach to file.

Chairman Magee and the Board reviewed the SEQRA. Upon review of the information recorded on the EAF Part I, II, and III 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 project would not result in any negative impact on the Environment.

On Motion of John Jensen and seconded by Jim Presley and carried, all voting **Aye**, that the Board place in its file a **written Notice of Determination of Non-Significance**

(Negative Declaration).

ROLL CALL VOTE:

Robert Magee	Aye
John Jensen	Aye
Jim Presley	Aye
Randy Robinson	Aye
Betty Fitzpatrick	Aye

Randy Robinson asked about the outcome of the Watershed Report. Chairman Magee read the report from J.C. Smith. Mr. Crowe was asked if he planned to adhere to J.C. Smith's recommendations. Mr. Crowe said that he would.

Chairman Magee asked if there were any further questions. There were none.

Chairman Magee then reviewed the Board's Findings on the Heron Hill Site Plan Review Application.

1. This is primarily a remodeling of existing structure, not an expansion of production.
2. The proposed plan will facilitate a movement towards tourism.
3. The plan will improve the appearance of structure and facility.
4. The application is complete with additional submissions received.
5. The controversy that was created by a local advertisement stating that a restaurant would be added has been addressed with a letter from the owner stating there would not be a restaurant added.
6. There were no negative comments from the public at the Public Hearing.
7. There were no negative impacts from the SEQRA.
8. Steuben County Planning deferred to the Town of Urbana Planning Board.
9. The project will improve parking, shipping, and receiving compared to existing facility.

On Motion of Robert Magee and seconded by Jim Presley and carried, all voting **Aye**, to **close the re-convened Public Hearing at 8:17 P.M.**

Chairman Magee **opened the Regular Business Meeting at 8:17 P.M.** Chairman Magee asked the Board that based on the findings and review of information contained in the application, the Board could deny the application, approve the site plan review, approve the site plan review with recommendations with conditions..

On Motion of Jim Presley and seconded by Betty Fitzpatrick and carried, all voting **Aye**, to **waive any further site plan review of the application as submitted.**

ROLL CALL VOTE:

Robert Magee	Aye
Betty Fitzpatrick	Aye
John Jensen	Aye
Randy Robinson	Aye
Jim Presley	Aye

Chairman Magee explained that the Board will notify Mr. Crowe and CEO Terry DeBuck in writing of the Board's approval.

The Board discussed the application of Celito Lindo. Chairman Magee explained that as soon as the Celito Lindo application is complete, the Board will meet and further discuss the application.

On Motion of Jim Presley and seconded by Bob Magee and carried, all voting **Aye**, to **adjourn the meeting at 8:49 P.M.**

The next scheduled meeting of the Town of Urbana Planning Board will be held on October 6, 1998.

Respectfully Submitted,

Robert Magee, Chairman
Town of Urbana Planning Board

TOWN OF URBANA PLANNING BOARD

SEPTEMBER 21, 1998

PRESENT: ROBERT MAGEE, CHAIRMAN
RANDY ROBINSON, MEMBER
JOHN JENSEN, MEMBER
BETTY FITZPATRICK, MEMBER
JAMES PRESLEY, MEMBER
ATTY. BRIAN FLYNN

(MINUTES WERE TRANSCRIBED FROM TAPE)

OTHERS PRESENT: CONNIE COOK, MICHAEL DOYLE, PATRICK CROWE (HERON HILL) ALLEN SHERRY

Chairman Magee opened the Public Hearing at 7:27 P.M. Chairman Magee stated the Public Hearing was for the Special Use Application #98-018, John Solosky, 8498 Rt. 54, Hammond sport, NY. John Solosky was not present for the Public Hearing. Chairman Magee called the Solosky residence and spoke with Char Wilkinson, who indicated they did not know they were supposed to be there tonight. Chairman Magee explained that a copy of the letter is in the file. Discussion followed as to whether this Public Hearing should be recessed or rescheduled for another day. Atty. Flynn suggested rescheduling the Public Hearing for another day.

Chairman Magee reviewed the file and the following submissions were marked as Exhibits:

- Exhibit A Completed Special Use Permit Application with \$35.00 fee noted as Paid.
- B Legal Notice to the Coming Leader/ Certification of Posting
- C. Legal Notice Posted on Town Bulletin Board
- D. Letter dated 9/3/98 to applicant notifying them of the Public Hearing
- E. Completed 239-M from the Steuben County Planning Board
- F. Cover letter requesting aforementioned
- G. SEQRA
- H. Sketch Maps of proposed project
- I. Letters to adjoining property owners
- J. Proposed statement of project from the applicant

Connie Cook was present and stated she had no objection to this project.

At 7:41 P.M. On Motion of Chairman Magee and seconded by John Jensen and carried, all voting Aye, to recess the Public Hearing until Tuesday, October 6, 1998 at 7:15 P.M. and the Town Clerk will notify John Solosky in writing and request that he be in attendance.

Chairman Magee opened the Public Hearing on Heron Hill Winery application for Site Plan Review at 7:41 P.M.

Chairman Magee reviewed the file and the following submissions were marked as Exhibit:

- Exhibit:
- A. Completed Site Plan Review Application 98-060
 - B. Authorization letter from President John Ingle authorizing Charles Warren And Pat Crowe to represent Heron Hill Vineyards
 - C. Narrative of proposed project changes with attached drawings and plans
 - D. Steuben County Planning Board 239-M Referral
 - E. Legal Notice to the Corning Leader
 - F. Letter requesting legal notice to be published
 - G. Names and addresses of adjoining property owners
 - H. (No Seqra had been filed)
 - I. (No septic permit had been filed)

Chairman Magee mentioned there was an extensive set of plans filed in the Town Clerk's Office for review.

Patrick Crowe, representing Heron Hill explained construction plans for Heron Hill. Mr. Crowe explained that it is not an expansion of production, but rather an expansion of the existing uses already at Heron Hill. They are adding features that will promote tourism and aestically appear more appealing to the tourist.

Atty. Flynn asked if a SEQRA form Part I had been filed. Mr. Crowe said one had been faxed and that he had a copy with him. There was a lengthy discussion involving the issue of whether or not an original EAF had been filed. There was not one in the file. Atty. Flynn asked how can the Planning Board schedule a Public Hearing when there are documents missing from the application. Ceo Terry DeBuck will be meeting Wednesday, Sept. 23, 1998 with Heron Hill concerning the septic inspection report. The septic report will be filed after this appointment.

Chairman Magee and the board discussed the letter from John Ingle concerning an ad that ran in a local paper that suggested a restaurant would be opened at Heron Hill. Chairman Magee explained that if a restaurant were to be added, it would not be a part of this application. Chairman Magee read the letter from John Ingle, Jr. clarifying the recent advertisement that suggested there would be a restaurant at Heron Hill. (Letter attached to minutes).

Chairman Magee asked Michael Doyle if he had any questions. He had none.

Jim Presley asked that the wastewater report be submitted to the Planning Board as soon as it is completed.

John Jensen expressed that it is his understanding that site plan review is the first step in applying for a permit to construct and that it is up to the applicant to file for the proper permits in order to

continue. ie wastewater permit.

On Motion of Chairman Magee and seconded by Randy Robinson and carried, all voting Aye, to recess the Public Hearing until a SEQRA and wastewater inspection report has been filed with the Town Clerk and submitted to the Steuben County Planning Board for their referral. As soon as the Planning Board receives the 239-M Referral from the County Planning Board, the applicant and Mr. Doyle will be notified when the Public Hearing will reconvene. Public Hearing recessed at 8:38 P.M.

Allen Sherry Application: The Board then discussed with Mr. Sherry concerns they had for his garage application. Chairman Magee explained the procedures of the Planning Board under the Town Code. The first step for an applicant is a concept review with the Planning Board. The concept review allows the Planning Board to check if the application meets the Code of the Town of Urbana.

Mr. Sherry's lot is an existing undersized lot in the agricultural district. When there is an existing undersized lot in the agricultural district, the minimum side yard setbacks from the property line is 8 feet. Mr. Sherry's drawing shows 8 ft. The state requirement is less. The board discussed the fact that Mr. Sherry's house and the Grange are very close. If a fire broke were to happen one or both of them could loose the house.

The Board discussed different types of construction material that could be used to help with the prospect of a fire. Ie. Masonry construction.

The Board had two concerns:

- A. close promimity of the house and Grange
- B. Area is already congested with the creek, existing buildings, a proposed breezeway, grange, and homes close by. There also exists a day care within Mr. Sherry's home.

Mr. Sherry explained that's all the space that is available there. Chairman Magee asked whether this could be resolved by removing the breezeway and build the garage wall flush with exterior wall of the house and using a higher fire rated material. It was decided that Mr. Sherry would contack Ceo DeBuck concerning required materials to be used according to the NYS Building and Fire Code, and also revise his application to move his garage five (5) feet closer to the house.

On Motion of John Jensen and seconded by Betty Fitzpatrick and carried, all voting Aye, to adjourn the meeting at 10:13 P.M.

Respectfully Submitted,

Robert Magee, Chairman
Town of Urbana Planning Board

Heron Hill Winery
9249 County Route 76
Hammondsport, NY 14840



(607) 868-4241
1-800-441-4241
Fax(607)868-3435

Website: www.heronhill.com

Town of Urbana
Planning Board
Attn: Bob Magee, Chairman

September 18, 1998

To Whom This May Concern:

I am writing in reference to the proposed renovations at Heron Hill Winery. I regret any confusion that has arisen from media coverage of our planned project.

The Conference Room will simply be a private area where we can meet with clients, associates or VIP's in peace and quiet. The kitchen will be much the same as the existing kitchen - a food prep area where a caterer or our staff could be organized to service events or private parties. We are not applying for a commercial restaurant facility, but are only interested in continuing similar usage as our present facility.

I hope that this letter clarifies not only our intentions, but also that we are anxious to cooperate with you on all levels in order to proceed with this planned project.

Sincerely,

John Ingle, Jr.

**TOWN OF URBANA PLANNING BOARD
SEPTEMBER 16, 1998**

**PRESENT: ROBERT MAGEE, CHAIRMAN
JOHN JENSEN, MEMBER
RANDY ROBINSON, MEMBER
BETTY FITZPATRICK, MEMBER
JIM PRESLEY, MEMBER
DEBBIE PIERCE, RECORDING SECRETARY**

**OTHERS PRESENT: RICHARD FALVEY, RICHARD FALVEY, JR.
ROBERT PLASKOV
CROCKER CURTISS
GREG LEARNED, BULLY HILL INC.**

Chairman Magee called the Public Hearing to order at 7:18 P.M.

The Board reviewed the Minor Subdivision Application of Richard Falvey. Mr. Falvey explained the subdivision is being created for estate planning. Mr. Falvey will be retaining a parcel containing his home, Richard Falvey, Jr. will retain a parcel for a home, and the third parcel to be retained by Mr. Falvey, Sr. for future use.

Chairman Magee reviewed the File and the enclosures were marked as the following "Exhibits"

- Exhibit A. Completed application form**
- B. Code Enforcement Officer's Report**
- C. Letter from Chairman Magee informing Mr. Falvey of Public Hearing date**
- D. Sketch plat**
- E. Septic Inspection Report**
- F. Completed Part I SEQRA Report**
- G. Notice to Leader to publish Public Hearing**
- H. Copy of Legal Notice Affidavit**
- I. List of Adjoining Property Owners**
- J. Project Narrative**
- K. Survey Maps**
- L. Paid Tax Receipts**
- M. Paid Receipt of \$75.00**

There were no comments or questions from the Public.

On Motion of Robert Magee and seconded by Jim Presley and carried, all voting Aye, to close the Public Hearing for the Richard Falvey Subdivision at 7:32 P.M.

On Motion of Robert Magee and seconded by Jim Presley and carried, all voting Aye, to open the Robert Plaskov Subdivision Public Hearing at 7:33 P.M.

Roll Call Vote: Jim Presley, Aye
John Jensen, Aye
Randy Robinson, Aye
Betty Fitzpatrick, Aye
Robert Magee, Aye

Chairman Magee and the Board reviewed the **Minor Subdivision Application** file of **Robert Plaskov** and the following enclosures were marked as "Exhibit".

- Exhibit A Completed Application
- B Competed SEQRA Application Part I
- C. Paid Application Receipt \$50.00
- D. List of Adjoining Property Owners
- E. Project Narrative
- F. Notice to Publish Legal Notice to the Corning Leader
- G. Copy of Legal Notice Published in the Corning Leader
- H. 5 Completed Surveys
- I. Paid Tax Receipts

Chairman Magee explained to the Board that there is no CEO Report because this Subdivision is re-establishing the original property line that was created by a Minor Subdivision application from Robert Plaskov at a Public Hearing held on January 6, 1998. This Minor Subdivision will be combined onto house deed.

There were no further questions from the Board or the Public.

On Motion of Robert Magee and seconded by John Jensen and carried, all voting Aye, to close the Plaskov Public Hearing at 7:43 P.M.

The Regular Meeting of the Planning Board was called to order at 7:43 P.M.

Upon review of the **Minor Subdivision application of Richard Falvey**, it was determined that the application of Richard Falvey is a Minor Subdivision and meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. This subdivision meets the outline of the comprehensive plan. Upon completion of SEQRA Part II, there was no negative SEQRA impact. A motion was made by Jim Presley and seconded by John Jensen and carried, all voting Aye, to **approve the Richard Falvey Minor Subdivision as submitted and instructed Chairman Magee to sign and stamp the Survey.**

ROLL CALL VOTE: Robert Magee, Aye
John Jensen, Aye
Jim Presley, Aye
Betty Fitzpatrick, Aye
Randy Robinson, Aye

On Motion of Jim Presley and seconded by John Jensen and carried, all voting Aye to file a written Notice of Determination of Non-Significance(Negative Declaration).

Roll Call Vote: Jim Presley, Aye
John Jensen, Aye
Randy Robinson, Aye
Betty Fitzpatrick, Aye
Robert Magee, Aye

Upon review of the Minor Subdivision application of Robert Plaskov, it was the determination of the Planning Board that the Minor Subdivision Application of Robert Plaskov meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Upon review of the information recorded on the EAF, Part II 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 would not result in any large and important impact on the Environment.

The Planning Board determined that this subdivision is re-establishing a line that was created in January 1998 and subdivision approval is contingent that parcel #3 will be deeded to parcel #1, which contains the house.

On Motion of Jim Presley and seconded by John Jensen and carried, all voting Aye, to authorize Chairman Magee to sign and stamp the Survey.

Roll Call Vote: Robert Magee, Aye
Jim Presley, Aye
John Jensen, Aye
Betty Fitzpatrick, Aye
Randy Robinson, Aye

On Motion of Jim Presley and seconded by John Jensen and carried, all voting Aye, to authorize to file a written Notice of Determination of Non-Significance (Negative Declaration).

Roll Call Vote: Randy Robinson, Aye
Jim Presley, Aye
John Jensen, Aye
Betty Fitzpatrick, Aye
Randy Robinson, Aye

The Board reviewed letter from Bully Hill, Inc. requesting the Planning Board to waive site plan review for proposed addition. The Board reviewed application and plans for Bully Hill, Inc. addition. Greg Learned explained Bully Hill, Inc. would like to construct a 5800 sq. ft. masonry block addition for wine tasting and retail shop at Bully Hill. They will be adding 2000 gal. Septic tank. The Planning Board determined that this addition does not appear to increase the intensity of use. **On Motion of Jim Presley and seconded by Randy Robinson and carried, to waive any further Site Plan Review for Bully Hill, Inc.**

Roll Call Vote: Jim Presley, Aye
 John Jensen, Abstain
 Randy Robinson, Aye
 Betty Fitzpatrick, Aye
 Robert Magee, Aye

The Board discussed the need to clarify the procedures of the Site Plan Review Law. Chairman Magee will write to Supervisor Gardiner requesting a meeting with Code Enforcement Officers, Town Clerk, Supervisor Gardiner, Attorney Flynn and members of the Planning Board as soon as possible.

The Board reviewed Variance application for the NYS Fish Hatchery. The Planning Board determined that it does not appear to exceed any existing setbacks at the NYS Fish Hatchery. On Motion of Robert Magee and seconded by Randy Robinson and carried, all voting Aye, that the Planning Board's advisory opinion for the variance of setback requirements for the NYS Fish Hatchery be approved.

Roll Call Vote: Robert Magee, Aye
 John Jensen, Aye
 Jim Presley, Aye
 Randy Robinson, Aye
 Betty Fitzpatrick, Aye

The Planning Board reviewed George Slayton's Variance application pursuant to Section 105-36 B (3) (b) for the placement of a mobile home with a domed roof for five years . On Motion of Robert Magee and seconded by Jim Presley and carried, all voting Aye, to file a written advisory opinion in favor of the George Slayton Variance for the temporary placement of a mobile home with a domed roof pursuant to Section 105-36 4 (a) and (b) which states mobile homes can be temporarily put on a qualified building lot with a special six-month permit during construction of a permissible building or home. At the end of six month permit, the foundation and first floor deck of the building must be complete. If it is not, such permit shall become void. A new six-month permit may be issued to complete the building and upon completion of new home, the mobile home shall be removed from the premises.

The Planning Board reviewed Site Plan Review applications for the following:

1. Calvin & Laurie Stoutz - A variance was granted by the Zoning Board of Appeals on April 9, 1998. The Planning Board will review this application for further site plan review.
2. Winter Homes Ltd. - Placement of 16'X72' Mobile Home on Porter Road for a residence.
On Motion of Jim Presley and seconded by Robert Magee and carried, all voting Aye, to Waive Site Plan Review.
3. Salvadore Maldonado- Construction of an 8'X10' shed.
On Motion of John Jensen and seconded by Jim Presley and carried, all voting Aye, to Waive Site Plan Review.
4. Andrew Luckacko - Construction of a 10'X14' pre-built wood-tex shed.

On Motion of Robert Magee and seconded by Jim Presley and carried, all voting Aye, to Waive Site Plan Review.

5. Daniel Deysher - Construction of a 24'X 36' Garage.

On Motion of Jim Presley and seconded by Robert Magee and carried, all voting Aye, to Waive Site Plan Review.

6. David Buckley - Construction of a porch roof.

On Motion of Robert Magee and seconded by Jim Presley and carried, all voting Aye, to Waive Site Plan Review.

7. Allen Sherry - Construction of a 28'x36' attached to house. The Planning Board would like To invite Mr. Sherry to the September 21, 1998 meeting for a concept review.

8. Ida Mae Jackson- Placement of three Modular Homes on Lockwood Road.

On Motion of John Jensen and seconded by Robert Magee and carried, all voting Aye, to Waive Site Plan Review.

On Motion of John Jensen and seconded by Jim Presley to adjourn the Planning Board meeting at 10:15 P.M.

Respectfully Submitted,

Robert Magee, Chairman
Town of Urbana Planning Board

8/12/98

No minutes on file -
for Kong Subdivision -

Subdivision was granted.

Bob Magee took minutes of
Meeting.

Town of Urbana
Planning Board Public Hearings
August 4, 1998

Present: Robert Magee, Chairman
Randy Robinson, Member
John Jensen, Member
Elizabeth Fitzpatrick, Member Elect
Candace A. Hughes, Recording Secretary Absent: Jim Presley

Public Present: Joseph Baran
Sheri Nobles
Ida Jackson
Edwin Braunstein
William Garrison
Sandra Wood
Charles Hill

Public Hearing #1: 7:20 p.m. – Minor Subdivision for William Garrison

Chairman Magee opened public hearing at 7:20 p.m.

Chairman Magee asked William Garrison to explain purpose of Minor Subdivision. Mr. Garrison explains that he is subdividing the parcel of 93.07 acres into 2 parcels, one into 23.89 acres which is being sold to his nephew, the second parcel of 69.27 acres are to remain in Garrison's name. Mr. Garrison also explains that a new septic system has been put in and it has been approved by CEO Terry DeBuck.

Chairman Magee brought to the attention of the meeting a check list of Exhibits, to wit:

- Exhibit A: Completed application
- Exhibit B: SEQR report
- Exhibit C: Paid property taxes (town, county and school)
- Exhibit D: Statement requesting public hearing
- Exhibit E: Deed
- Exhibit F: Receipt for \$50.00, cost of subdivision application
- Exhibit G: Copy of satisfactory Waste-Water Treatment report
- Exhibit H: Posting which was in the Leader
- Exhibit I: Sketch – Survey
- Exhibit J: List of adjoining property owners.

Chairman Magee asked the Board if they had any questions, then asked if there were any questions from the public. Since no questions were forthcoming from anyone, Chairman Magee closed the Public Hearing at 7:20.

Chairman Magee opened the Regular Board meeting at 7:21. The Board reviewed the application and accompanying submissions, then addressed the SEQR, part 1 as completed by the applicant, and proceeded to part 2.

Upon review of the information recorded on the EAF, and any other supporting information, Randy Robinson make a motion that 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 and that a Negative Declaration be prepared. Motion was seconded by John Jensen. A roll call vote was taken:

Robert Magee – Aye
Randy Robinson – Aye
John Jensen – Aye
Elizabeth Fitzpatrick – Aye

The motion was passed.

The following findings were recorded by the Board:

1. The application is complete and all required submissions were in order.
2. The application is in general compliance with Comprehensive Plan.
3. No objections were raised at the Public Hearing.
4. SEQR was complete and indicates no negative impacts.

Chairman Magee made the following motion. It is the determination of the Planning Board that the Minor Subdivision application of William Garrison meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval and that the Board approve the Subdivision as submitted, and to instruct the Chairman to sign and stamp survey. Randy Robinson seconded this motion. A roll call vote was taken.

Robert Magee – Aye
Randy Robinson – Aye
John Jensen – Aye

Elizabeth Fitzpatrick – Aye

The motion was passed.

Chairman Magee opens discussion of old business. Kelly subdivision is discussed. Chairman Magee gives summary of issues pertaining to this subdivision, in which these issues were of importance.

1. Biggest issue is the right-of-way.
2. Building permits.

3. Who owns triangle with right-of-way, it appears there is no owner of record.
4. Lot sizes are undersized, applicant may have to go to Zoning Board to get property changed from agricultural to residential, to deal with sizes of lots.

Chairman Magee brings to the attention of the Board other old business, there are No new submissions for Easy Plus Subdivision, no concept review, no new site plan review applications, no one is present for Soloski site plan review, and no ZBA opinions are required, and planning issues – Chairman Magee is working with Dave Oliver on same.

Chairman Magee opens discussion on Joseph Baron subdivision, which entails road frontage and right of way, which Joseph Baron said will go with property. Chairman Magee reports that all submissions are in according to Dave Oliver and that John Bryson annex new property to his.

Chairman Magee asks if there are any more questions, with none forthcoming exhibits were marked as follows.

- Exhibit A: Completed application.
- Exhibit B: Sketch map.
 - A. List of adjoining property owners.
 - B. Cover letter from attorney Letter from Mr. Baron's attorney to the CEO Oliver.
 - C. Paid school tax receipt.
 - D. County and town paid tax receipt.
 - E. CEO officers report.
 - F. Electric easement.
 - G. SEQR part 1 complete.
 - H. which contains a deed explaining lands to be conveyed to Bryson
 - I. Correction deed.
 - J. Electrical Company easement.
 - K. Electrical Company easement.
 - L. Electrical Company easement.
 - M. Electrical Company easement.
 - N. Right of way/easement granted to Ira Davenport Memorial Hospital through which passes drainage.
 - O. Three copies of survey.

Chairman Magee makes a motion that the application is complete and that they declare that this be a minor subdivision of 2 parcels and instruct the chairman to set a time for a public hearing. Randy Robinson made a motion to accept this as a subdivision and John Jensen seconded the motion. All members were in favor and said aye.

Chairman Magee opened the Public Hearing for the Subdivision of Id Mae Jackson at 8:10. Chairman Magee said all submissions were in, and all members proceeded to discuss that the property needs a road established to access all 3 parcels. Randy Robinson says we need sketch submitted showing 50' (or whatever the Town requires in feet) road. Chairman Magee says they need survey and check of \$150.00. Chairman Magee makes motion that new road to be established to access lots (which would be from old porter road), be consistent with the general development plan of the community. Chairman Magee asks for a second, Randy Robinson seconds motion, and all were in favor and said aye.

Chairman Magee makes a motion to declare this a minor subdivision of 3 parcels, which is seconded by Randy Robinson, and all were in favor and said aye.

John Jensen makes motion to accept application as complete, with recommended changes on survey. Chairman Magee seconded the motion and all said aye.

John Jensen makes motion that Ida Mae gets a right-of-way from Lockwood, the full length of the eastern side of property, and shall be a width as indicated by the Town Code. Chairman Magee seconds motion, and all say aye.

Chairman Magee asks if someone will authorize him to set the Public Hearing at such time when those conditions are met. Randy Robinson made motion and John Jensen seconded, and all said aye.

Chairman Magee enters the following to be marked as exhibits re: Ida Mae Jackson Subdivision:

- Exhibit A: Application.
- Exhibit B: Letter from Roy Ford informing that Ida Mae can subdivide.
- Exhibit C: Narrative.
- Exhibit D: Sketch Map.
- Exhibit E: Deed.
- Exhibit F: Revised application.
- Exhibit G: Paid property tax receipts (town, county and school).
- Exhibit H: List of adjacent property owners.
- Exhibit I: Secar application Part I.
- Exhibit J: Deed of Roy Ford.

Public Hearing Closed 8:50.

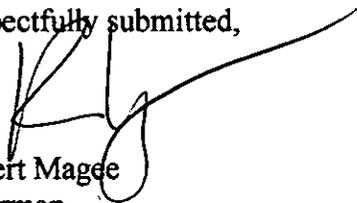
Chairman Magee opened the Business meeting at 8:51. Chairman Magee brought to Boards' attention the Application #98-020 of Peter Swartout, to build an addition to his house for 2 bedrooms. Chairman Magee asked if anyone had comments, John Jensen

said to make sure it is landscaped. John Jensen made motion to waive any further review and Randy Robinson seconded it and all said aye.

Chairman Magee brought to Boards' attention new application of Edwin Braunstein to build a shed. Mr. Braunstein said Terry DeBuck said it was ok. Chairman Magee said Terry DeBuck made report and that Mr. Bruanstein meets all aspects of the code, and that his recommendation is to waive it. John Jensen made a motion to waive any further review and Randy Robinson seconded it and all said aye.

John Jensen made a motion to close the meeting, Chairman Magee seconded. Meeting was adjourned at 9:00.

Respectfully submitted,



Robert Magee
Chairman

Town of Urbana
Planning Board Public Hearings
July 7, 1998

Present: Robert Magee, Chairman
Randy Robinson
James Presley
John Jensen
Candace A. Hughes, Recording Secretary

Public Present: Peter Jenks

Public Hearing #1: 7:18 p.m. – Subdivision of Harvest Baptist Church, represented by Peter Jenks.

Chairman Magee stated that application has been submitted and approval has been granted for said subdivision. Chairman Magee states that Peter Jenks has met all recommendations that were given and that Mr. Jenks is ready to proceed to get building permits.

Chairman Magee reads letter of intent to subdivision, which has 3 elements:

- a. Driveway.
- b. Size of building – 40x60.
- c. Utilities (gas, water, electric and septic).

Board commences discussion of different issues with Mr. Jenks. Chairman Magee states that drawings submitted are the same as submitted before. Randy Robinson asks if shed will stay and Mr. Jenks says he will ask that the shed be included in the building permits. Randy Robinson asks what the building will look like, Peter Jenks goes on to explain.

Peter Jenks shows Phase I, building plans, which shows room dimensions and roof. Randy Robinson asks about basement and what will be seen from Route 54. Board continues discussion on the following:

- a. How many years before Phases I and II, and Mr. Jenks says 5 years from now to Phase 2.
- b. Asked what happens if Peter Jenks is no longer with church, Mr. Jenks said there is a Board of Trustees that will manage. He is not separate, but a part of the church.
- c. Water was discussed, and it was suggested that he speak with the Town of Bath and Cielto Lindo (Mexican Restaurant).
- d. Building exterior was questioned, and it was stated that it would be vinyl/cedar siding.

- e. Landscaping was questioned, and it was stated that shrubs would be planted, and in time probably trees.
- f. Utility lines were discussed, and it was explained that the lines would run under ground by conduit.
- g. Septic system is ok for projected amount of people, but in future another leach bed may be needed.
- h. Parking will be gravel and possibly in November paved to a certain point.
- i. Fire hydrants are with Ira Davenport Hospital, so all is set with that issue.
- j. Sign permit will be needed, and meet codes.
- k. DOT permit by February.

Chairman Magee says with specific code there are two sets of criteria:

1. Site plan checklist (23 items) which have to be reviewed.
2. General standards and considerations waiver to be reviewed.

Chairman Magee asks if any other matters to be discussed at this time. Chairman Magee states that they will come back and discuss waiving and accept if possible, possibly the following day.

Public Hearing closed at 8:48.

The regular meeting of the Town of Urbana Planning Board was called to order at 9:00 p.m. by Chairman Magee.

Old Business:

Easy Plus Subdivision – there were no new submissions. David Bauer (Modular Home Sales) – no new submissions. Hospital Expansion – no further review. Cielito Lindo application – aware of granted variance and waiting for more submissions. Kelly Subdivision – notified Kelly of all submissions lacking, get them to Debbie Pierce and he will notify them. Noteware Subdivision – no new submissions, other than if no survey by time of application it will be withdrawn.

Bully Hill Subdivision A: The Board reviewed the application #98-013A and accompanying submissions, then addressed the SEQR, part 1 as completed by the applicant, and proceeded to Part .

Upon review of the information recorded on the EAF, and any other supporting information, Randy Robinson makes a motion that 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 and that a Negative Declaration be prepared. Motion was seconded by James Presley. A roll call vote was taken:

James Presley – Aye
John Jensen – Aye
Randy Robinson – Aye
Robert Magee – Aye

The motion was passed.

The following findings were recorded by The Board:

1. The boundary line does not effect the areas of this Subdivision A, therefore will not be used in making any determination to grant or deny.
2. As indicated in the preliminary hearing, portions of the Subdivided property will be annexed to form large lots.
3. The Application is complete and all required submissions were in order.
4. The Application is in general compliance with Comprehensive Plan.
5. SEQR was complete and indicates no negative impacts.

Randy Robinson made the following motion: It is the determination of the Planning Board that the Minor Subdivision application of Bully Hill meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval and that the Board approve the Subdivision as submitted, and to instruct the Chairman to sign to survey with the inclusion of the following condition: This Subdivision is to be granted contingent upon the parcels being annexed as per the application. James Presley seconded this motion. A roll call vote was taken:

James Presley – Aye
Randy Robinson – Aye
John Jensen – Aye
Robert Magee – Aye

Bully Hill Subdivision B: The Board reviewed the application #98-013B and accompanying submissions, then addressed the SEQR, part 1 as completed by the applicant, and proceeded to Part 2.

Upon review of the information recorded on the EAF, and any other supporting information, James Presley makes a motion that 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 and that a Negative Declaration be prepared. Motion was seconded by Robert Magee and a roll call vote was taken:

James Presley – Aye
John Jensen – Aye
Randy Robinson – Aye
Robert Magee – Aye

The motion was passed.

The following findings were recorded by The Board:

1. The Application is complete and all required submissions were in order.
2. The Application is in general compliance with Comprehensive Plan.
3. SEQOR was complete and indicates no negative impacts.
4. Mrs. Kaiser commented on boundary line, Board is aware and has letter on file from surveyor, which states that the survey matches the survey recorded in the County Clerk's Office by Mrs. Kaiser.
5. That the created parcels will be annexed to create 4 larger parcels.

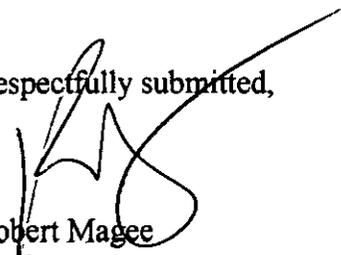
James Presley made the following motion: It is the determination of the Planning Board that the Minor Subdivision application of Bully Hill meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval and that the Board approve the Subdivision as submitted, and to instruct the Chairman to sign to survey with the inclusion of the following condition: This Subdivision is to be granted contingent upon the parcels being annexed as per the application. Robert Magee seconded this motion and roll call vote was taken:

James Presley – Aye
John Jensen – Aye
Randy Robinson – Aye
Robert Magee – Aye

The motion was passed.

Robert Magee made a motion to adjourn the meeting. Randy Robinson seconded the motion. The Planning Board meeting was adjourned at 10:00 p.m.

Respectfully submitted,


Robert Magee
Chairman

Town of Urbana
Planning Board Public Hearings
June 17, 1998

Present: Randy Robinson
Marsha Meade Coon
James Presley
John Jensen
Candace A. Hughes, Recording Secretary Absent: Robert Magee, Chairman

Public Present: Greg Learned
Anna Osborne
Kay Kaiser
John Kaiser

Public Hearing #1: 7:18 p.m. – Subdivision A for Walter S. Taylor/Bully Hill

Deputy Chairperson, Randy Robinson, opened public hearing at 7:18 p.m. Mr. Greg Learned was present representing Walter S. Taylor/Bully Hill. Anna Osborne, John and Kay Kaiser representing themselves.

Deputy Chairperson Robinson asked Greg Learned to state the purpose of the request for subdivision. Greg Learned explains Subdivision A consists of 227.94 acres plus or minus, and will be divided into two lots, Parcel 1 of 209 acres, Parcel 2 of 18.6 acres. Greg Learned provides survey and a transparency of the proposed map of the two parcels, as they will appear on survey. Mrs. Osborne and Kaisers point out their properties' proximity to the two parcels. Everyone understands where Parcel 1 and 2 are to be located.

Randy Robinson brought to the attention of the meeting a check list of items, to wit:

- a. preliminary application form
- b. sketch map
- c. names of owners of adjacent properties
- d. tax map sheet
- e. copy of satisfactory report from Watershed Inspector
- f. a brief narrative that describes the proposed subdivision
- g. deeds
- h. copies of paid tax receipts
- i. SEQRA forms.

Deputy Chairperson Robinson asks the Board if they have any comments or questions, there are none. He asks the public if there are any questions or

comments, also there are none. With no comments Deputy Chairperson Robinson closed the Public Hearing on Subdivision A at 7:25.

Public Hearing #2: 7:25 p.m. – Subdivision B for Walter S. Taylor/Bully Hill

Deputy Chairperson Robinson opened hearing for Subdivision B, which consists of 573.83 acres and will be divided up into 4 parcels, to wit: Parcel 1 will be 78.71 acres, Parcel 2 will be 12.67 acres, Parcel 3 will be 8.8 acres and Parcel 4 will be 473.83 acres.

Deputy Chairperson Robinson asked Greg Learned to state the purpose of the request for subdivision. Greg Learned explained that the purpose of the subdivision is get an accurate survey of the property in its entirety, so the property on the ground concurs with the real property tax maps. Learned explains that there were 26 deeded tax parcels with discrepancies, and by getting an accurate survey and dividing property into 4 parcels would give correct understanding of the property.

Deputy Chairperson Robinson asks Greg Learned to show everyone at the meeting the survey and the transparency map showing how the property will be divided into 4 parcels. A discussion followed, wherein Mrs. Osborne's property will not be effected by this proposed subdivision.

The discussion continuing, Mr. and Mrs. Kaiser showed were their property is effected by the proposed subdivision. They point out that the survey presented by Greg Learned includes a pie shape part of their property. The pie shape property is where they had their well-drilled in 1973, and also encompasses their driveway. The Kaisers provide a suvey of their own, which shows the property in question. Deputy Chairperson Robinson asks that the Kaisers read their letter that the Board received from them into the minutes. Mrs. Kaiser proceeds to do so, letter below:

Dear Chairman Magee & The Members of the Planning Board:

It has come to our attention that the western most boundary line of our property located on Sanford Road drawn on a new survey map initiated by Lillian Taylor does not coincide with the original survey map on file with Steuben County. When Art McCallah was conducting this most recent survey, he conveyed to us that he was quite confused concerning said boundary and was not able to find the original line. This property was subdivided many years ago and the boundary line ran westerly beyond the original vineyard road, which is our driveway. The property now in question was purchased by my father and then subdivided. This parcel was sold to Richard Vine and then subsequently sold to Walter Taylor. The boundary has always run a few feet west of the driveway. Not only does the new survey show a boundary that dissects our driveway but it also runs directly over the well we drilled in 1973, and

this is our only source of water to our home . In conclusion, we feel that until Mr. Steeler can straighten out this confusion and a proper map is submitted, we strongly oppose the proposed subdivision, how can the boundary lines suddenly change after 100 years, did the earth shift.

Signed by the Kaisers

Further discussion ensues between the Kaisers, Greg Learned and board members. Basically what is agreed to by all is that the surveyors get together to figure out the proper boundary line between Walter S. Taylor and the Kaisers.

Deputy Chairperson Robinson asks if there are any further comments from public and members. Kaisers and Mrs. Osborne have none, and leave public hearing at 7:43. Members and Greg Learned discuss how they believe this discrepancy will be worked out. Deputy Chairperson Robinson explains that Chairman Robert Magee must be present and sign on said decision, so he calls Public Hearing for Subdivision B closed at 7:47 p.m.

Deputy Chairperson Robinson calls a regular meeting open at 7:50 p.m. to discuss an applicant, H. Alan Wendlandt, to place a non-conforming mobile home on his property. Seeking relief from Zoning Code 105-36 B (3) (ab).

Discussion followed between members about this trailer being allowed strictly for storage use. The camping trailer that was already allowed was discussed and the 1976 mobile home law. Deputy Chairperson Robinson says that Chairman Robert Magee will dictate resolution.

Deputy Chairperson Robinson ask members to vote on said application:

ROLL CALL VOTE: Deputy Chairperson Robinson - No
M. Coon - No
John Jensen - No
Jim Presley - Abstain

Meeting adjourned at 8:08 p.m. by Deputy Chairperson Robinson.

Respectfully submitted,

Robert Magee
Chairman

TOWN OF URBANA PLANNING MEETING - APRIL 11, 1998

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

ABSENT: Jim Presley

The meeting was reconvened by Chairman Robert Magee, at 3:30 P.M.E.D.T. Robert Magee noted, for the record, that at the regularly monthly meeting held April 7, 1998, the Board recessed that portion of the regular meeting that dealt with the Hough Concept Review, file #98-008. The application submitted by Mr. Hough prior to the April 7, 1998 meeting was considered incomplete, therefore the Board agreed to recess the Concept Review until Mr. Hough submitted a site drawing.

The site drawing was received by the Town clerk April 9, 1998

Upon review of the Submissions, the Board found the following concerns with the Hough application:

1. The intended building was shown on the site plan to be located in such a manner as to cross the boundary lines of two separated deeded parcels.
2. The site drawing indicated that a drywell was to be utilized as part of the septic system.
3. The site drawing did not indicate that the parking would meet Town Code requirements.
4. The application lacked the required written narrative describing the project.
5. The application would need to be accompanied by an NYSDOT permit granting access to State Route 54.
6. Itemized submissions missing from the application were numbers 3, 5, 7, 11, 16, 17, 19, 20, 21, 22.

The board identified the Following required Permits necessary for this project:

1. Building Permit
2. Zoning Permit
3. Sign Permit
4. Watershed Permit
5. KWIC Certificate of Compliance

Robert Magee indicated that he would respond to the applicant , in writing, requesting the information necessary to complete the application.

It was noted that the applicant indicated that he needed to proceed as quickly as possible with this project. Board members agreed to meet as often as possible to in an effort to and review subsequent submissions as they are received. It was also noted that the Town Code did permit the Board to vote to waive any further review at any point that the applicant has satisfied all of the points and conditions of the Site Plan Review Law.

John Jensen made a motion, seconded by Marsha Coon, to accept all submissions received to date and consider these to be adequate, in this matter, as Mr. Hough's Concept Review Submissions. All voted "Aye"

Randy Robinson made a motion, seconded by John Jensen, that based upon the concerns listed by the Board, and to allow the public the opportunity to express their concerns with this project, this

project be subjected to more in depth review as outlined by the Site Plan Review Law. A Roll Call vote was held:

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

Robert Magee made a motion for adjournment, seconded by Marsha Coon. All voted "Aye". The meeting was adjourned at 5:00 pm

APPROVED

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD PUBLIC HEARING
APRIL 7, 1998

PRESENT: ROBERT MAGEE, CHAIRMAN
JOHN JENSEN, MEMBER
MARCIA COON, MEMBER
JAMES PRESLEY, MEMBER
KAY KAISER, RECORDING SECRETARY

ABSENT: RANDY ROBINSON

OTHERS PRESENT: JOSEPH HAMILTON
POLLY HAMILTON
MURIEL ARCHER
LEROY ARCHER
CLAIRE SMITH
PETER JENKS
JIM WATSON
STEVE CAMPBELL
BERNARD DIXON
ERWIN ROBINSON
LIN HOUGH
CINDY HOUGH

Public Hearing for Muriel Taylor Trust Minor Subdivision was called to order by Chairman Magee at 7:07 p.m. Chairman Magee pointed out that a previous Public Hearing regarding this matter was held two months ago and the subdivision was granted. It was subsequently discovered by Attorney Flynn that the Bank of Wachovia lacked the authority to represent the property, consequently as such approval of the Subdivision is deemed null and void and a new application was submitted.

APPLICATION #98-05 FOR MINOR SUBDIVISION (2 PARCELS): Peter Jenks acting as agent for the applicant, requested approval of a minor subdivision of a parcel of 69.41 acres which will result in the creation of two new parcels: 1) 59.41 Acres 2) 1 of 10 acres to be conveyed to Harvest Baptist Church.

Exhibit A: Notification of Public Hearing in LEADER.

Exhibit B: Letter requesting Public Hearing

Exhibit C: Response from County Planning Board

Exhibit D: List of adjoining property owners

Exhibit E: Letter to County Planning Board

Exhibit F: Letter from Attorney Phil Learned

Exhibit G: Letter from Attorney Robert Cole confirming transfer to Bank of Wachovia

Exhibit H: Completed Application Form File #98-005
Exhibit I: Completed Environment Assessment Form
Exhibit J: Contract of Sale between Bank of Wachovia and Harvest Baptist Church
Exhibit K: Oil and gas lease
Exhibit L: Amendment and update of sale 2/12/98
Exhibit M: Series of deeds reflecting the parcel to be Subdivided
Exhibit N: NYS Dept. of Transportation Highway Permit; Permission to create a driveway accessing NYS Rt. 54 indicating terms and conditions
Exhibit O: Application for and approval of waste water system
Exhibit P: Series of sketch maps, outlining subdivision
Exhibit Q: Sketch plot for proposed structure and waste water system
Exhibit R: Series of surveys submitted 2/23/98
Exhibit S: Affidavit of paid property taxes.
Exhibit T: Updated letter form bank authorizing Jenks to act upon their behalf in this matter

Peter Jenks stated that the purpose of the subdivision is to convey ten (10) acres to the Harvest Baptist Church for construction of a church. Chairman Magee then asked The Board if there were any questions regarding this application. There were none. Chairman Magee then directed the same question to the others in the room. Steve Campbell asked how Mr. Jenks intended to get his water supply for the church. Mr. Jenks stated that should attempts at drilling a well fail, they had plans to attempt to obtain water from the hospital or put in a self contained system. Chairman Magee then asked if anyone had any other question or concerns. There were none. John Jensen made a motion to closed the Hearing, Seconded by Marsha Coon. All voted "Aye". The Public Hearing was closed at 7:34 p.m.

Town of Urbana Planning Regular Board Meeting
April 7, 1998

The regular meeting of the Town of Urbana Planning Board was called to order at 7:36 p.m. by Chairman Magee.

New Business:

The Board reviewed a Concept Review Application submitted by Lynn Hough. Mr. Hough wants to construct another building near his already existing ones on Route #54. The front of the building is to be leased as office space and the remainder of the building is to be storage. The Application submitted by Mr. Hough consisted of a partially completed cover page and a rough sketch drawn on a tax map copy, indicating the location of the proposed structure. Mr. Hough indicated that he was functioning under a tight time schedule and requested that the Board waive any further review as per Town Code 88-14, B.

Chairman Magee informed the applicant that the application did not contain sufficient information to allow the Board to consider a waiver. Board Member Marcia Coon

asked to see a detailed site plan with the following items included: setbacks, dimensions of buildings, landscaping plans, septic system, and any other information that would provide a detailed description of the proposed project. Chairman Magee gave the applicant a copy of the Site Plan Checklist. Member John Jensen made a motion to recess the portion of this meeting that dealt with the Hough Concept Review until such time as Mr. Hough could make additional submissions. Seconded by Marsha Coon. All voted "Aye". Chairman Magee indicated that upon receipt of a completed application, the Board would reconvene and continue with the Hough Concept Review.

Old Business:

Bully Hill Subdivision: Chairman Magee stated the Attorney for Bully Hill, John Mustico has requested new survey maps from McConnell and Mueller Surveying, and will submit them upon completion.

Clair Carr (Easy Plus) Subdivision: Herman LaPierre has been notified that a copy of a 1988 survey was located by CEO David Oliver at the County Clerks Office. Mr. Oliver indicated that the survey was not stamped in any manner as to indicate an approved Subdivision. Mr. Lapierre is contacting the surveyor in an attempt to obtain an updated survey, which he will submit with a new application.

Bauer Concept Review: No new submissions.

Opinions to the ZBA:

New Business:

Carl Bed and Breakfast Special Use Permit: a specific overall opinion was requested of The Planning Board by Chairman Magee. Upon review, the Board elected to issue a favorable opinion

Stoutz Variance requesting that they be permitted to build within the lakeshore setback: John Jensen suggested that The Planning Board does not have enough information to form an opinion, however it is this Board has consistently entered a negative opinion in similar matters and would issue such an opinion. Member Marsha Coon wished formally abstain from any decision in this matter.

Marcotte Variance requesting that they be permitted to build a potting shed within the required side yard set back: Based upon the information supplied, the Board could find no reason why the project could not comply with existing regulations, and would issue such an opinion.

Kelly Preliminary Subdivision Application: Chairman Magee stated that CEO Dave Oliver has made a site visit, and upon review of the application, determined that it was incomplete. The Board will schedule a Preliminary Hearing upon receipt of information requested by CEO Oliver.

Noteware Preliminary Subdivision Application: The application appeared to be

complete, however it lacked a site report from CEO Oliver. Chairman Magee indicated that the report was forthcoming and the Board scheduled a Preliminary Hearing for the next Regularly scheduled meeting on May 5, 1998.

Final Board review of the Muriel Taylor Testamentary Trust Minor Subdivision: The Board reviewed the submissions marked A through S, presented at the Public Hearing, and found that the application was complete.

The Board reviewed the completed Environmental Assessment Form (SEQR), and completed Part Two. James Presley make a motion 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 and that a Negative Declaration be prepared. This motion was seconded by Marcia Coon. A roll call vote was taken:

Marcia Coon - Aye
James Presley - Aye
John Jensen - Aye
Robert Magee - Aye
The motion was passed.

The following findings were recorded by The Planning Board regarding the Muriel Taylor Testamentary Trust Minor Subdivision:

The application was complete and all required submissions had been made by the Applicant.

The Subdivision was in general compliance with Comprehensive Plan.

No negative concerns were raised at Public Hearing.

SEQR was complete and indicates no negative impacts.

Traffic conditions are being addressed as indicated in NYS DOT Permit

In an effort to lessen the impact on the traffic, the Board had voted to require, as a condition to consider any Subdivision the Applicant will create a 50 foot wide deeded easement, located on or adjacent to (as indicated in the survey on file with this Application) which serves to provide access to Parcel 1 and Parcel 2, and any future division thereof.

The Board has received no negative input from the County Planning Board.

Member John Jensen wished that it be noted, for the record, that the Planning Board has the opportunity to include all comments from the October 14, 1997 Public Hearing, as well as any comments from the April 7, 1998 Public Hearing into account when making their final decision.

Chairman Magee made the following motion: It is the determination of the Planning Board that the Minor Subdivision application of Peter Jenks meets the requirements of the Town Code with sufficient compliance as to be granted status for consideration of approval or disapproval and I make a motion to approve the Peter Jenks subdivision as submitted, and request that the Board instruct the Chairman to sign to survey with the inclusion of the following: Approval of this Subdivision is conditioned upon the

creation of a Fifty (50) foot wide deeded easement located on or adjacent to the newly created property line as noted on the survey map which serves to provide access to Parcel 1 and Parcel 2, and any future division thereof.

James Presley seconded this motion.

A roll call vote was taken:

John Jensen - Aye

Marcia Coon - Aye

James Presley - Aye

Robert Magee - Aye

The motion was passed.

James Presley made a motion to adjourn the meeting. John Jensen seconded the motion. All voted "Aye". The Planning Board meeting was adjourned at 10:00 p.m.

Approved:

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD REGULAR MEETING
MARCH 3, 1998

PRESENT: ROBERT MAGEE, CHAIRMAN
 JOHN JENSEN, MEMBER
 MARCIA COON, MEMBER

ABSENT: JIM PRESLEY, MEMBER
 RANDY ROBINSON, MEMBER

OTHERS PRESENT: PETER JENKS, DON CHALMERS, TERRY DEBUCK

Chairman Magee opened the Regular Meeting at 7:20 p.m.
OLD BUSINESS:

Muriel Taylor Testamentary Trust Subdivision:

The Planning Board met with applicant Peter Jenks and upon review of his submissions has determined that the preliminary application for subdivision is complete and the Chairman is authorized to set up a Public Hearing for same at a future date.

Bully Hill Subdivision:

Chairman Magee indicated that he has met with Kathy Harter, Town of Urbana Assessor and Luther Perkins, former Town of Urbana Assessor to compare maps supplied by the applicant to the Town tax records. This review indicated a need to meet with Attorney Mustico in an attempt develop a more descriptive sketch plat.

NEW BUSINESS:

A) American Legion Concept Review: The Board reviewed the application with Legion representative Don Chalmers and found it to be complete. The Board then reviewed all submissions in accordance with the Review Standards and issued their findings. The findings of the Planning Board are as follows:

There will not be an intensification of usage.

The new construction will not exceed the existing width of the building.

The applicant has indicated that the addition will be sided with vinyl siding similar to that of the existing structure.

The applicant has indicated that new shrubbery will be planted in order to continue the flow of existing shrubbery.

The proposed project will not result in any additional load on existing septic system.

No existing parking spaces are affected.

No variances or special use permits are required.

The site id within the Highwat Business Zoning District

Based upon these findings, a motion was made by Marcia Coon and seconded by John Jensen that there should be no further Site Plan Review of the proposed project.

B) Carl Bed and Breakfast Concept Review

Upon reviewing the application supplied by Terry DeBuck, The Planning Board's findings are as follows:

The project will not involve any alteration other than those required by New York State Uniform Fire Prevention & Building Codes that are specific to Bed and Breakfasts.

New York State Uniform Fire Prevention & Building Codes result in an intense scrutiny of the project.

Septic requirements meet KWIC specifications.

There is no off premise parking.

Parking and parking safety is a concern and the Planning Board will raise this issue in our opinion to the Zoning Board of Appeals.

Chairman Magee entertained a motion to adjourn the meeting. Marcia Coon moved to adjourn and John Jensen seconded the motion. The Planning Board meeting was adjourned at 9:15 p.m.

Respectfully Submitted,

Robert Magee, Chairman

Town of Urbana
Planning Board Public Hearings
February 17, 1998

Present: Robert Magee, Chairman
James Presley
Marsha Coon Absent: Randy Robinson, John Jensen
Also Present: Robert Plaskov
Allen Reed

Public Hearing #1: 7:15pm - Application #97-011 for Minor Sub-division
Harold Rice, 330 East Lake Road, Hammondsport, NY
File submitted: Exhibit A: Preliminary Application for a Minor Sub-division
Exhibit B: Full Environmental Assessment Form (SEQRA)
Exhibit C: Property location maps
Exhibit D: School Tax Receipt
Exhibit E: Deed
Exhibit F: Certification of Publication and Posting Notices
Exhibit G: Notification List of adjoining property owners to applicant
Exhibit H: Map of adjoining property owners
Exhibit I: Minor Subdivision Procedure
Exhibit J: Town & County tax receipts for 1996 & 1997

Chairman Magee opened public hearing at 7:16pm. There was no one present representing Mr. Rice. Chairman Magee recessed public hearing until such time that Mr. Rice or a representative of Mr. Rice can be present.

Public Hearing #2: convened at 7:18pm-Application #97-07
Floyd Long, Jr., 7948 State Route 54, Hammondsport, NY 14840
Application for a Minor Sub-division

File Submitted: Exhibit A: List of adjoining
Exhibit B: Sketch Maps
Exhibit C: Copies of public notices, postings
Exhibit D: Notification to applicant of hearing
Exhibit E: Additional notice of hearing to applicant
Exhibit F: Complete Application
Exhibit G: Full Environmental Assessment form
Exhibit H: Series of Deeds
Exhibit I: Paid Tax receipts
Exhibit J: Leader public hearing Notice
Exhibit K: Application
Exhibit L: Receipt for \$50
Exhibit M: Cover letter from Attorney Plaskov
Exhibit N: Four (4) copies of survey

Attorney Plaskov stated that his client was seeking relief from road frontage requirements and the reason was that the property fronted on ST. RT 54, a very steep bank that led to a stream and wetland, and that the property was accessed by two (2) deeded rights-of-way.

Chairman Magee asked those present if they had any questions concerning the application. There were none from board members, or from Attorney for the applicant, Robert Plaskov, .

Public Hearing closed at 7:19PM.

At 7:27pm, the public hearing on the Rice subdivision was reconvened when Attorney Allan Reed arrived, representing the applicant. Seven survey maps were also entered as part of the application. Chairman Magee asked if there were any questions. It was stated for the record, by Attorney Reed that this application was to establish the boundaries of the property to more conforming boundaries.

There being no more questions, the Public hearing was closed at 7:32pm by Chairman Magee.

Business Meeting opened at 7:32pm

Floyd Long- Minor Sub-division

Board reviewed his application and found it to be complete. The issue of relief requested for road frontage requirements was addressed. On motion of M. Coon, seconded by J. Presley, and carried to grant relief on the road frontage requirements due to the unusual physical characteristics of the site, and noting that it is accessed by two (2) deeded rights-of-way, in reference to Section 93-27A of the Town Code..

Board considerations:SEQRA

: Upon review of the information recorded on the EAF, (Parts 1 and 2) 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 minor subdivision of land will not result in any large and important impact on the environment, THEREFORE, Marsha Coon made a motion that a Negative Declaration be prepared, motion seconded by James Presley.

ROLL CALL VOTE: COON Aye
PRESLEY Aye
MAGEE Aye

MOTION CARRIED

It is the determination of the Planning Board that the Minor Subdivision application of Floyd Long meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval, THEREFORE, on motion of James Presley, seconded by Marsha Coon, it was moved to approve the Floyd Long subdivision as submitted, and to instruct the Chairman to sign the survey.

ROLL CALL VOTE: M. COON Aye
J. PRESLEY Aye
R. MAGEE Aye

MOTION CARRIED

Regarding the application Harold Rice for minor subdivision of property located at 330 East Lake Road, Hammondsport, NY:

The Board reviewed the application and found it to be complete.

On motion of Magee, seconded by Coon, and carried all voting aye that, as a condition of approval, parcel #1 be annexed to the parcel directly across the Old East Lake Road, currently known as the Marrow property at 333 East Lake Road.

Mr. Rice was seeking relief for Code Set back requirements. It was the feeling of the Board that it was consistent with the Comprehensive Development Plan of the Town of Urbana for the following reasons:

1. To make lots more in compliance with lot sizes
2. To allow properties to be more in line with current watershed regulations

On motion of M. Coon, seconded by J. Presley, and carried unanimously to grant such relief

under Section 97-23, paragraph A of the Code of the Town of Urbana.

Upon review of the information recorded on the EAF, (Parts 1 & 2) 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. THEREFORE, motion was made by Coon, seconded by Presley that a negative Declaration be prepared.

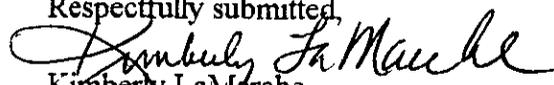
ROLL CALL VOTE: COON Aye
MAGEE Aye
PRESLEY Aye MOTION CARRIED

It is the determination of the Planning Board that the Minor Subdivision application of Harold Rice meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval. Contingent upon the Town Clerk finding record of payment of the \$50.00 application fee, the Planning Board THEREFORE, on motion of James Presley, seconded by Marsha Coon, it was moved that the application of Harold Rice for subdivision be approved as submitted, contingent upon the aforementioned condition, the Chairman was instructed to sign the survey.

ROLL CALL VOTE: R. MAGEE Aye
M. COON Aye
J. PRESLEY Aye MOTION CARRIED

Meeting adjourned at 8:00pm by Chairman Magee.

Respectfully submitted,


Kimberly LaMarche
Recording Secretary

TOWN OF URBANA PLANNING BOARD SPECIAL MEETING
February 7, 1998

PRESENT: ROBERT MAGEE, CHAIRMAN
 JOHN JENSEN, MEMBER
 JIM PRESLEY, MEMBER
 RANDY ROBINSON, MEMBER

ABSENT: MARCIA COON, MEMBER

Chairman Magee opened the Meeting at 9:30 a.m.

The Board reviewed David Bauer Concept Review Application - Modular Home Sales in Agricultural District. Upon review of the submissions it was the determination of the Board that the application was incomplete. It was determined that the following items would need to be provided before the Concept Review Application was considered complete:

1. A sketch more adequately identifying the locations and dimensions of existing and proposed principal and accessory structures, parking areas including number of existing and proposed spaces, signage location (with descriptions), proposed vegetation and landscaping, anticipated changes in existing topography, more detailed information regarding proposed changes to the existing stream and ditches, the parcel number under consideration for site plan review, and all properties and other pertinent features within two hundred (200) feet of the boundaries of the parcel.
2. A reasonably specific written statement as to the proposed scope and extent of any proposed expansion or enlargement or of increase in the intensity of use of any building or structure, land, or buildings/structures and land area adjacent thereto.

Member Jensen suggested that the Board has enough information in the file and through discussions with the applicant at the previous meeting to consider whether or not to vote to continue with a complete Site Plan Review. He also reminded the Board that this intended project is a business use in an agricultural district and it has been past practice of this Board to undertake a more in depth study of such projects.

Member Robinson made a motion that based upon the fact that the proposed Bauer project is a substantial intensification of an agricultural lot it is necessary to undertake a more extensive review in the form of a complete Site Plan Review. Seconded by John Jensen. A Roll Call Vote was taken:

ROBERT MAGEE,	Aye
JOHN JENSEN,	Aye
JIM PRESLEY,	Aye
RANDY ROBINSON,	Aye

The Board reviewed the design standards for Site Plan Review and conclude that a Site Plan Review Application including the following items from the Code shall be required:

- 1. Title of drawing, including name and address of applicant and person responsible for preparation of such drawing.
- 2. North arrow, scale, and date.
- 3. Boundaries of the property plotted to scale.
- 4. Existing buildings.
- 5. Grading and drainage plan, showing existing and proposed contours, rock outcrops, depth to bedrock, soil characteristics, and watercourses.
- 6. Location, design, type of construction, proposed use and exterior dimensions of all buildings.
- 7. Location, design, type of construction of all parking and truck loading areas, showing access and egress.
- 9. Location of outdoor storage, if any.
- 10. Location, design, and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences.
- 11. Description of the method of sewage disposal and location, design and construction materials of such facilities.
- 12.. Description of the method of securing public water and location, design, and construction materials of such facilities.
- 13. Location of fire and other emergency zones, including the location of fire hydrants.
- 15. Location, design, and type of construction of all signs.
- 16. Location and proposed development of all buffer areas, including existing vegetative cover.
- 17. Location and design of all outdoor lighting facilities.
- 18. Identification of the location and amount of building area proposed for retail sales or similar commercial activity.
- 19. General landscaping plan and planting schedule.

- 20. An estimated project construction schedule.
- 21. Record of application for and status of all necessary permits or variances from other governmental bodies.
- 22. Identification of any permits or variances from other governmental bodies required for the project's execution.
- 23. Other elements integral to the proposed development as may be considered necessary, in the particular case, by the Planning Board:

1. The drawing of the plans should show not only the aforementioned, but also should show the entire Bauer parcel and identify the portion that is to be affected by this project, plotted to scale.

2. The drawing of the plans should include the locations and dimensions of the existing bait shop project, plotted to scale.

3. The drawing of the plans should indicate where any delivered modular homes will be stored and/or assembled, as well as identify areas that are to be used for display or storage of any "support" items.

4. The drawing of the plans should show existing or proposed well and septic system.

5. The supporting documents should include a diagram that indicates the type and dimensions of the existing septic system.

6. The supporting documents should include any applicable blueprints, plans, photographs or brochures that can provide an adequate description of the type(s) of units that will be displayed on the premises.

7. The supporting documents should include any applicable blueprints, plans, photographs or brochures that can provide an adequate description of the structure that is to be used for the office.

8. The supporting documents should include a written narrative indicating the methods that will be used to cover or enclosed the existing stream.

9. A written determination from the Building Inspector as to whether the proposed project is to be classified as "New Construction".

10. A written determination from the Building Inspector as to whether the proposed project is to be classified as "Commercial Construction".

11. A written determination from the Watershed Inspector as to whether the proposed project is to classified as "New Construction".

12. A written determination from the Watershed Inspector as to whether the proposed project is to classified as "Commercial Construction".

13. A written determination from the KWIC Manager as to whether the proposed project will meet KWIC requirements.

14. A written narrative describing the day to day operation of the proposed project, as well as a detailed description of the physical changes that will occur on the site.

The Board reviewed the Code and has identified the following permits as required prior to commencing this project:

- Special Use Permit
- Demolition Permit
- Zoning Permit
- Sign Permit
- Watershed Permit
- KWIC Certificate of Compliance

Chairman Magee indicated that he would notify Mr. Bauer, in writing of this decision.

Randy Robinson made a motion for adjournment, seconded by Jim Presley. All voted "Aye". Meeting was closed at 11.47 a.m.

Respectfully Submitted,

Robert Magee, Chairman

TOWN OF URBANA PLANNING BOARD
FEBRUARY 3, 1998

PRESENT: ROBERT MAGEE, CHAIRMAN
JOHN JENSENS, MEMBER
RANDY ROBINSON, MEMBER
MARCIA COON, MEMBER
DEBBIE PIERCE, ACTING RECORDING SECRETARY

OTHERS PRESENT: DAVID PEARCE
ED VOUGHT
MR. AND MRS. LEONARD FRENCH
FLOYD LONG
TOM AGOR
ATTORNEY TERESA SCOFIELD
CEO TERRY DEBUCK
PAUL WOOD
DAVID BAUER

Chairman Magee opened the Public Hearing on Robert Plaskov Minor Subdivision at 7:20 P.M. (Certification of Publication is on file)

Chairman Magee explained the proposed subdivision of Robert Plaskov to subdivide two parcels (1) 4.298 acre parcel, and (2) 28.683 acre parcel located at 8361 Pleasant Valley Road.

Upon reviewing application all paper work was in order, it was determined that subdivision of these two parcels would meet requirements of subdivision law. The Board then reviewed SEQRA Full Environmental Assessment form and completed same. It was determined that this subdivision of land would not have any significant environmental impact.

A motion was made by Marcia Coon and seconded by John Jensen and carried, all voting AYE, to authorize Town Attorney to file a written Notice of Determination of Non-Significance (Negative Declaration)

Roll Call Vote:	Marcia Coon,	Aye
	Bob Magee	Aye
	Randy Robinson	Aye
	John Jensen	Aye

A motion was made by Randy Robinson and seconded by Marcia Coon and carried, all voting AYE, to authorize Chairman Magee to sign and stamp survey map.

Public Hearing closed at 7:25 p.m.

The following exhibits are in the file:

Exhibit	"A"	Notice of Publication in the Leader
	"B"	Sketch Plat
	"C"	Additional Sketch Plat
	"D"	Paid Tax Receipts

- "E" Additional Paid Tax Receipts
- "F" List of Adjoining Property Owners
- "G" Copy of Deed
- "H" Paid Receipt of \$50.00 Application Fee
- "I" Letter from CEO concerning Road Frontage
- "J" Notice of Posting in the Leader
- "K" Completed Application, Cover Letter, Completed SEQR
Additional Submissions, Three Copies of Filed
Survey Map

Followed BY:

David Pearce Major Subdivi

sion: Mr. Pearce proposes to subdivide (1) five acre lot located at intersection of Bully Hill Road and Longwell Cross Road. Mr. Pearce stated the intent of subdivision was to sell to a neighbor that owns land adjacent to this lot.

Marcia Coon asked if there were any wells on the property. There are 3 wells on adjacent properties.

The Board reviewed application and found to be complete. The Board then reviewed the SEQRA Full Environmental Assessment Form. After discussion, the Board found that this subdivision of land would have no significant environmental impact. A motion was made by John Jensen and seconded by Marcia Coon and carried, all voting AYE to authorize Town Attorney to prepare a written Notice of Determination of Non-Significant (Negative Declaration).

Roll Call Vote:	Bob Magee	Aye
	John Jensen	Aye
	Marcia Coon	Aye
	Randy Robinson	Aye

A motion was made by Randy Robinson and seconded by Marcia Coon and carried, all voting Aye, to grant the David Pearce Major Subdivision and authorize Chairman Magee to stamp and sign survey.

Roll Call Vote:	Bob Magee	Aye
	John Jensen	Aye
	Randy Robinson	Aye
	Marcia Coon	Aye

The Following Exhibits are in file:

Exhibit	"A"	Legal Notice of Public Hearing
	"B"	Copy of Deed and Sketch Plat
	"C"	Copy of Paid Tax Receipt
	"D"	Additional Copy of Paid Tax Receipt
	"E"	List of Adjoining Property Owners
	"F"	Completed Application, Sketch Map, Completed Part I SEQR, 5 Copies of Survey
	"G"	Copy of Receipt, \$50.00 Application Fee stamped Paid on Application

Public Hearing closed at 7:30 p.m.

Followed by:

Leonard French Minor Subdivision: To subdivide 2 parcels (1) 10 acre parcel and (1) 13.05 acre parcel located on Reservoir Hill.

The Board reviewed application and found to be complete. The Board then reviewed SEQR Full Environmental Assessment Form, and completed same. The Board determined that this subdivision of land would not have any significant environmental impact.

A motion was made by Marcia Coon and seconded by John Jensen and carried, all voting Aye, to authorize Town Attorney to file a written Notice of Determination of Non-Significance (Negative Declaration).

Roll Call Vote:	Bob Magee	Aye
	John Jensen	Aye
	Marcia Coon	Aye
	Randy Robinson	Aye

A motion was made by Randy Robinson and seconded by Marcia Coon and carried, all voting Aye, to approve subdivision and authorize Chairman Magee to stamp and seal survey.

Roll Call Vote:	Bob Magee	Aye
	John Jensen	Aye
	Marcia Coon	Aye
	Randy Robinson	Aye

The Following Exhibits are in File:

Exhibit	"A"	Notice of Publication in Leader
	"B"	Additional Notice of Posting in Leader
	"C"	Sketch Plat
	"D"	Copy of Paid Town and County Tax Receipts
	"E"	Copy of Deed
	"F"	List of Adjoining Property Owners
	"G"	Completed Part I SEQR
	"H"	Completed Application, Copy of Paid Receipt of \$50.00 Application Fee
	"I"	Six Copies of Survey

Public Hearing closed at 7:32 P.M.

The Planning Board opened their Regular Business Meeting at 7:33 p.m.

On motion of John Jensen and seconded by Randy Robinson and carried, all voting Aye, to authorize Chairman Magee to set the Public Hearing for Peter Jenks for February 17th provided all final

submissions are in beforehand, and to hold Public Hearing for Harold Rice and Floyd Long subdivisions.

Roll Call Vote:	Robert Magee	Aye
	John Jensen	Aye
	Randy Robinson	Aye
	Marcia Coon	Aye

There were no new submissions from Easy Plus. Chairman Magee and our Assessor, Kathy Harter, are working on Bully Hill Subdivision.

Chairman Magee advised the Board that new subdivision procedure outline will be the official outline as proposed.

Chairman Magee advised the Board the Kelly Minor Subdivision #1-98 will follow the new subdivision outline.

Board reviewed Floyd Long Minor Subdivision Application. Chairman Magee made note for the record that Teresa Scofield has been authorized by Floyd Long to represent him at the February 17th Public Hearing for Mr. Long's subdivision.

Upon reviewing Floyd Long subdivision application, Chairman Magee asked whether the .5 acre that has a house on it is part of the subdivision. Mr. Long replied that it was not.

Chairman Magee asked about driveway access onto proposed subdivision lots. It appeared there was only one way into these lots. Mr. Long replied he has 2 50 foot right of ways to that property. It appears from the survey maps that Mr. Long does not meet the required road frontage requirements in order to have direct access from the 13.9 acre parcel to the highway.

Mr. Long indicated that to access the frontage by Rt. 54 is both impractical and impossible. However, he does show two 50 foot right of ways that access Rt. 54.

On motion of John Jensen and seconded by Randy Robinson and carried, all voting Aye, to declare this a minor subdivision.

Roll Call Vote:	Bob Magee	Aye
	John Jensen	Aye
	Randy Robinson	Aye
	Marcia Coon	Aye

On motion of Marcia Coon and seconded by John Jensen and carried, all voting Aye, to waive ingress and egress on Rt. 54 according to Section 93-28 "A".

Roll Call Vote:	Bob Magee	Aye
	Randy Robinson	Aye
	John Jensen	Aye
	Marcia Coon	Aye

Chairman Magee informed Mr. Long that he must submit a completed Part I Long Form SEQR, a copy of Paid Tax Receipt, and application fee of \$50.00.

The following exhibits are in file:

Exhibit "A" List of Adjoining Property Owners
"B" Sketch Plat
"C" Letter from Atty. Plaskov
"D" Publication of Legal Notice to Leader
"E" Notice to applicant of Preliminary Hearing
"F" Completed Application

Concept Review:

David Bauer Special Use Permit for Modular Home Sales:

Board reviewed Special Use Application. Mr. Bauer explained to the Board that he intends to tear down existing house, in order to set up a modular home display and office. Board asked about how many units would be stored there at one time. Mr. Bauer explained units would not be there for any great length of time. Board asked if there would be someone there all the time. Mr. Bauer explained he would have a salesman there. Board also asked whether someone planned on living there. Mr. Bauer did not believe anyone would. Mr. Bauer explained he would also like to display materials such as foundations etc. that would accessorize this type of business. Board was concerned about septic system on the property. CEO Terry DeBuck informed them that a dye test was performed and septic was found to be adequate for the 1 or 2 people the business would employ. There is a well on the property that would service the office area. The modulars would not have any water service to them. The Board was concerned about the aesthetics of proposed site. Mr. Bauer explained that he would be landscaping the area and that the bait shop will also be upgraded.

On motion of Chairman Magee and seconded by Randy Robinson and carried, all voting Aye, to contact Mr. Littleton to request postponing Public Hearing until the Planning Board completes their site plan review.

Roll Call Vote:	Bob Magee	Aye
	Randy Robinson	Aye
	Marcia Coon	Aye
	John Jensen	Aye

On motion of Randy Robinson and seconded by John Jensen and carried, all voting Aye, to close the meeting at 10:00 P.M.

Respectfully Submitted,

Robert Magee

TOWN OF URBANA PLANNING BOARD
January 6, 1998

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

OTHERS PRESENT: Robert Plaskov, Esq.
Albert Clarke
Edward Vought
Mr. Long
Mr. Harold Rice
Herman LaPierre

Chairman Magee called the meeting to order at 7:03 P.M.

The Board reviewed the Minor Subdivision application of Robert Plaskov. Attorney Plaskov advised the Board that he was doing a two (2) parcel subdivision and that he was trying to sell the 4.29 acres of land where the house is. He further advised the Board that he had received approval for the other two (2) parcels previously sold from this Planning Board, he believed in 1987, and that the map had been recorded.

After a discussion regarding the survey map, Chairman Magee reviewed the File and the enclosures were marked as the following exhibits"

- Exhibit A. Application and completed SEQRA form
- Exhibit B. Sketch Plat
- Exhibit C. Survey from Ed O'Hara of whole parcel
- Exhibit D. Survey from McConnell & Muller Surveyors
- Exhibit E. Tax Receipts
- Exhibit F. List of Adjoining property owners
- Exhibit G. Copy of Deed
- Exhibit H. Paid Receipt of \$50.00

Chairman Magee advised Attorney Plaskov that ten (10) days prior to the public hearing, a survey map of the whole parcel showing the subdivision lines must be submitted with five (5) copies.

Marcia Coon made Motion that this application be declared a Minor Subdivision. This Motion was seconded by Randy Robinson. All members voted "AYE".

Chairman Magee advised Attorney Plaskov that this matter would be scheduled for a Public Hearing on February 3, 1998 if the survey maps were received ten (10) days prior to that date..

The chairman advised the Board Members that each had been given letters from Attorney Flynn to Attorney Joint and from Attorney Joint to Attorney Flynn regarding

the Harvest Baptist Church application. He further advised the Board that he had spoken with Rev. Jenks and he is submitting a new application.

Chairman Magee reviewed the Minor Subdivision Application file of Harold Rice and the following documents were marked as Exhibits:

- Exhibit A. Application
- Exhibit B. SEORA form
- Exhibit C. Sketch Plat
- Exhibit D. Tax Statements
- Exhibit E. Copies of Deed

Mr. Rice presented the Board with a Survey that he had been instructed to get made and after discussion of same, he will be taking the Survey back to surveyor and having a line stricken so that he will have a two (2) parcel subdivision and that as soon as this has been completed and copies back to the Board, they Board will schedule a Public Hearing and the Chairman will instruct the Town Clerk to return \$25.00 to Mr. Rice as he had applied for a three (3) parcel subdivision but it would now be a two (2) parcel minor subdivision.

James Presley made motion to declare this a Minor Subdivision and as soon as Mr. Rice had the maps back to schedule a public hearing. This motion was seconded by Randy Robinson. All members voted "AYE".

Mr. LaPierre was present to have an informal Concept Review done. He presented the Board with maps and explained to them what his intentions were by adding the liquor store.

After much discussion, John Jenson made Motion that because Mr. LaPierre's project has been reviewed substantially, the Board waive the Site Plan Review. This motion was seconded by Bob Magee. Roll Call Vote Taken:

Robert Magee	AYE
John Jensen	AYE
Jim Presley	AYE
Marcia Coon	AYE
Randy Robinson	AYE

Chairman Magee advised the Board that he will discuss with Attorney Flynn the correct way to proceed to clear-up the prior subdivision and he advised Mr. LaPierre to get a new application from the Town Clerk, complete and return it as soon as possible. Mr. LaPierre thanked the Board and stated that he would get the application.

Albert Clark and Edward Vought from the Village Planning Board were present to see what issues were in the Town and to ask the Town Planning Board to have a member sit in on their meeting so that both Boards were aware of what was going on. Chairman Magee stated that someone from his Board would sit in on the Village Planning Board Meeting and that someone from the Village Planning Board could attend the Town's meetings.

Member Randy Robinson asked the two members from the Village Planning Board if they would submit, in writing, any opinion they might have on businesses on Route 54. They stated that they would take it back to their board.

Chairman Magee advised the Board that Attorney Mustico had sent Attorney Flynn a map of the Bully Hill Subdivision and Marcia Coon will pick map up and get copies made for the members to have to review.

Chairman Magee advised the Board that Attorney Plaskov had made inquire of him regarding the Long Subdivision Application and that he would keep the Board informed of any action on this.

The Board will be advising the Town Clerk that any applications that come in, for Subdivision or ZBA matters, be sent to the Board ten (10) days prior to the meeting, so that the members have time to review application.

The Board scheduled a meeting for January 14, 1998 at 7:00 to hold a Concept Review with David Bauer on the application that was just received by the Board today. Further the Chairman will notify Mr. French to come to the February 3, 1997 meeting for his Preliminary Hearing.

Jim Presley made motion to adjourn the meeting at 10:00 P.M. This Motion was seconded by Marcia Coon. All members voted "AYE".

APPROVED:

ROBERT MAGEE, CHAIRMAN