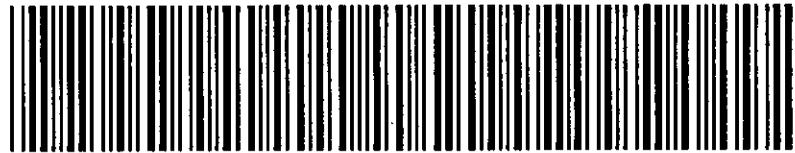
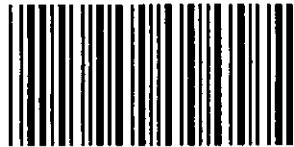


# Planning Board



1999



Amended  
1-12-2000

**Town of Urbana Planning Board  
Minutes  
December 16, 1999**

Present: Robert Magee, Chairman  
John Jensen, Member  
Betty Fitzpatrick, Member  
Diane Costello, Recording Secretary

Also in attendance: Marvin Rethmel, CEO  
Thomas and Karen Deegan

**PUBLIC HEARING**

Chairman Magee opened the Public Hearing at 7:06 PM, in the matter of the Deegan Subdivision, Application # 99-026, Tom and Karen Deegan, 9024 Glenbrook Road, Hammondsport, NY seeking a Minor Subdivision of Parcel #089.00-01-032.000 consisting in entirety of 20.464 acres and dividing it in to two separate parcels. One of 16.271 acres and Two of 4.193 acres.

A satisfactory watershed report is on file from CEO, Dave Oliver along with a completed file and report. The application is complete and all submissions are in.

Chairman Magee noted that the width at one point was deficient of the required 250 feet but a report was given by CEO Rethmel that the topography made it impossible to sufficiently meet this requirement. The Board agreed with the recommendation to allow the survey map as is and there were no further questions from board members.

John Jensen made a motion to close the Public Hearing at 7:17 PM and it was seconded by Betty Fitzpatrick.

A regular meeting of the Planning Board convened at 7:18 PM.

**New Business:** Subdivision - Deegan **Application #99-026**, Thomas and Karen Deegan, 9024 Glenbrook Road, Hammondsport, NY is completed as follows.

SEQR Part II completed.

Motion#1 Deegan Subdivision:

Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact on the environment. Bob Magee made a motion that a Negative Declaration be prepared. Seconded by Betty Fitzpatrick. Roll call Magee-aye; Jensen-aye; Fitzpatrick-aye.

**Findings:** Application is complete  
Meets requirements of State and Local Law  
Meets subdivision requirements other than the 250' deficiency of width because of  
A steep embankment and gulley which has been approved by the board.  
No negative environmental impact

**Motion#2 Deegan Subdivision:**

It is the determination of the Planning Board that the Minor Subdivision application meets the requirement of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. John Jensen made a motion to approve the subdivision as submitted, and to instruct the Chairman to sign the survey. Betty Fitzpatrick seconded. Roll call Magee-aye; Jensen-aye, Fitzpatrick-aye.

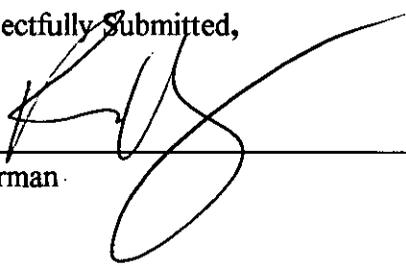
Motion made by Mr. Magee and seconded by Mr. Jensen to accept the findings. Roll call vote: Magee - aye; Fitzpatrick - aye; Jensen - aye.

Survey was signed and sealed  
Negative Declaration was prepared  
Notification in writing was given to the Deegans  
Notification to the Assessor was completed.

Meeting was adjourned at 8 PM.  
A short work session followed the meeting.

**Next Meeting: 1/11/2000 7 PM**

Respectfully Submitted,

  
\_\_\_\_\_  
Chairman

**Town of Urbana Planning Board  
Minutes  
December 7, 1999**

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

Others Present: Dave Oliver, CEO  
                 Marvin Rethmel, CEO  
                 Leonard French  
                 Richard Jacquier  
                 Atty, Brian Flynn

**A. Review of Minutes from**

November 2<sup>nd</sup> and November 16<sup>th</sup>. Both were amended and approved as amended. Minutes were resubmitted as amended 12/8/99 to Town Clerk and for Chairman's signature.

**B. Old Business**

**a) Subdivision**

1. Deegan- Application #99-026. Surveys were submitted to Town Clerk. Decision was made to hold a Public Hearing on December 16, 1999.
2. Bourke- Application #99-028. No new submissions.
3. Bourke- Application #99-027, Major Subdivision

With Attorney Flynn present the board had an opportunity to discuss this Major Subdivision at length. Standards should be set here for future Major Subdivision protocol. The list of ideas is as such: 1. Put the dream in writing. This should be an important step even if the dream never comes in to being. If the project envelops an elaborate plan it may be divided in to phases. Certain criteria may hinge on each phase.

2. Design of the plan - Futuristic

This will enable the Planning Board to analyze the entire effect on the area. The County may have to be asked to also look over the site to point out possible violations and problems to be considered before the project is approved to begin.

In order to further consider Mr. Frank Bourke's Major Subdivision in particular this is a list of items that need to be addressed in the order given. Our Chairman, Bob Magee will write a letter to Mr. Bourke containing the following requests and information.

**Bourke-Continued:**

- A. Put your dream subdivision in writing.
- B. Design the entire project as accurate and detailed as possible.
- \* C. Pertaining to the roadway entering parcels 1,2,3 and 4 we will need a contractors quote of the entire cost of putting in an acceptable drive accessing them all with a turn around. (This is to be in compliance with Section #93-20 of the Urbana Subdivision Law.)
- D. A plan for a roadway needs to be provided to us with time specification or an insurance bond needs to be posted for the entire cost of the roadway.
- E. Mr. Bourke, as the Developer, is responsible for the installation of the driveway along with making sure the buyers of each piece of property the roadway accesses has a provision in their deeds as to who and how the drive will be maintained. Each deed will have to have an ingress/egress clause.

Mr. Magee will also contact the NYS DOT making them aware that there is no sign on Rte. 54 showing the entrance to The Harvest Baptist Chapel. Considering the location of this is across from the Ira Davenport Hospital, The Board feels that this may be a safety hazard. This site is also adjoining the parcel Mr. Bourke is subdividing and proper signing will also need to be accommodated by the Department of Transportation.

- 4. Shuart Minor Subdivision #99-025. Some new submissions. Note was made that this needs to be named the "Sanford Subdivision." Mr. Edgar Sanford is land owner.
- 5. Ward - Minor Subdivision - No new submissions.
- 6. Wendlandt - Waiting for survey.

**b) Concept/Site Plan Review**

- 1. Carisetti Corp - Architect is drawing a new sketch. Mr. Carisetti did not submit a SEQR with his Special Use Permit Application. At this time it has been resubmitted to the Town Clerk.

**c) Special Use Permit - None**

**d) ZBA Opinions - None**

**e) Planning Issues - 1. Sign Laws - None**

- 2. Comp Plan - John Jensen has submitted 7 copies of an updated Comprehensive Plan Book for The Town of Urbana to the Clerk as of 12/7/99.

## **C. New Business**

### **a) Subdivision - French**

Application #99-031, Leonard D. and Donna M. French of 7809 Van Ness Road, Hammondsport, NY are proposing a minor subdivision on the corner of Van Ness and Reservoir Hill Road. The entire parcel consists of 59.73 acres. The division of parcel #104.00-01-045.110 would be in to two parcels. Parcel #1 would contain 13.305 acres and Parcel #2 would be the remainder of 46.425 acres. The purpose is for the sale of one parcel to DeBuck. Mr. French was in attendance for any questions. Sketch plat was reviewed. There were absolutely no questions from the board or the CEO's. Motion was made by Mr. Presley to grant a Minor Subdivision and it was seconded by Mrs. Fitzpatrick. All were agreed.

### **b) Concept/Site Review - Application #99-030, Concept Review**

#### **Application #99-108, Site Plan Review**

- \*\*** Richard Jacquier, Wheels & Wood DBA, 7320 County Rte 89, Bath, NY 14810  
Mr. Jacquier has requested a waiver of the site plan review. He has a pre-existing, non-conforming Auto/Tire Business. Two small buildings are located on his property for storage and use of his business. The application is for a building permit and a sign permit. Special discussion was requested by the CEO's to Determine whether Mr. Jacquier will need a special use permit. Many questions were raised. The above applications were not approved at this time. Decision first lies in the CEO determination as to if Mr. Jacquier needs to apply for a Special Use Permit. The Planning Board is requesting that the Code Enforcement Officer put his determination in writing and submit it to the Board at the next meeting. The Board Members should be ready at that time to review their determination and move forward.

### **c) Special Use Permit - None**

### **d) ZBA Opinions - None**

### **e) Planning Issues - None**

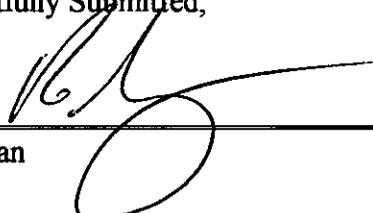
### **\*\*** Suggestions from Attorney Flynn as to Waivers:

Waivers should not be given. If they in fact are, there must be an adjoining Checklist, (See section 88-14A, 1-13) stating the valid reasons why it is being granted. To waive a Site Review Plan a study should be done that it does not have an environmental impact on the surrounding area. (See Section 239-M and K) If the site is located on a County Route a County Review must be requested.

A motion was made by John Jensen to adjourn the meeting. It was seconded by Bob Magee. Meeting was adjourned at 9:42 PM.

**Reminder:**    **Next Regular Meeting**    1/11/00    (Organizational Meeting)  
                  **Public Hearing**                    11/16/99

Respectfully Submitted,

  
\_\_\_\_\_  
Chairman

Deb.  
Amended  
12-7-99

**Town of Urbana Planning Board  
Minutes  
November 16, 1999**

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

**PUBLIC HEARING**

**Present:** Mike Doyle  
Robert Mori  
Dave Oliver  
Tom and Lori Roust  
Dale Peterson

Chairman, Robert Magee opened the Public Hearing at 7:15 PM, in the matter of the Mike Doyle Subdivision Application #98-028. Total acreage of original lot was 361.921 and is creating two lots of by survey amounting to 1) 272.178 and 2) 89.743. Mr. Magee ask only one question concerning a parcel #3 showing on the survey map. Mr. Doyle was ask if it had anything to do with this subdivision and he replied that it was not to be conveyed at this time. There were no further questions. Per Mr. Oliver all submissions were in and there seemed to be no problems.

Public Hearing was closed at 7:25 PM.

A regular meeting of the Planning Board convened at 7:30.

New Business was immediately acted upon concerning the Doyle Application #98-028.

**Findings:**  
Application is complete  
Meets requirements of State and Local Law  
Meets Subdivision Requirements  
No negative environment impacts

Planning Board motions for negative SEQR impact and approval of minor subdivision:

Motion#1

Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large and important impact on the

environment. I, John Jensen , make a motion that a Negative Declaration be prepared. Seconded by Mr. Magee.

**Motion#2**

It is the determination of the Planning Board that the Minor Subdivision application of , Mike Doyle # 98-028 , meets the requirement of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. I, John Jensen, make a motion to approve the Doyle subdivision as submitted, and to instruct the Chairman to sign the survey. Motion was seconded by Mr. Presley.

Roll call vote was called and all were agreed.

The following were prepared following the meeting: Negative Declaration, Notification of Minor Subdivision approval and Notification to the Assessor.

**Old Business - Special Meeting called in to session.**

**a) Subdivision - Application #99-028 Dr. Frank Bourke, Minor Subdivision**

Dr. Frank Bourke was in attendance and available for questions.

After the closing of the last board meeting it was found that the SEQR was missing from Dr. Bourke's file for subdivision. Dr. Bourke had finished filling it out and Turned in a new one at this meeting to be placed in his file.

The board also reviewed the payments Dr. Bourke has made with his applications and find that he is paid in full. A motion was made by Jim Presley That upon the review of this file for a Minor Subdivision is reviewed by CEO Dave Oliver and found to be complete and accurate, that he give Deb Pierce the final approval to go ahead and set up a Public Hearing. Motion was seconded by Betty Fitzpatrick. All agreed.

**Subdivision - Application #99-027 Dr. Frank Bourke, Major Subdivision**

Also after the last meeting of the Planning Board CEO Dave Oliver found That there were several blank spaces on Dr. Bourke's SEQR. He has now filed that SEQR with all spaces filled out.

At this time Dr. Bourke submitted a completed survey map. During the last meeting it was requested that CEO in training, Marvin Rethmel, review the Suggested changes to be made on the original sketch plat with Dr. Bourke and at His discretion give Mr. Bourke the go ahead to have a survey done. That he did.

The Board decided to consider this survey map as a second preliminary sketch plat and to have it reviewed by the CEO Dave Oliver as such. If it seems to be in Accordance with the laws and all submissions are complete it will be scheduled for a Public Hearing. The Board members were all to receive a copy of the map to Review before the next Work Session scheduled for November 23<sup>rd</sup>, 1999 along

With Mr. Oliver and to bring discussion to the table at that time.

Mr. Jensen feels Section 93-20E, should be considered pertaining to the road Entrance of this subdivision. We need assurance that the development of the Roadway will be adequately provided and maintained. As he reads the laws there needs to already be a drive there, a turn

Around and/or money set aside by Dr. Bourke for the construction of the roadway or a bond purchased to cover the expense of the roadway to be constructed.

If the Board finds the preliminary sketch map acceptable they will notify Deb Pierce to schedule a Public Hearing for the Next regular meeting. If they do not find it acceptable they will immediately notify Dr. Bourke of the problems that need to be addressed.

**b) Concept/Site Plan Review- Application #99-021 Carisetti Corp.-Winery**

**c) Special Use Permit - Application #99-029 Carisetti Corp. - Winery**

**Present: Dominic Carisetti and Patrice DeMay**

Above applications were discussed together. New Site Review maps were observed and discussed. Randy wanted to know when they would break ground. They were hoping for March 2000. This project is located on Route 54. Most of the Board members were going to drive by and/or accompany CEO Dave Oliver Saturday morning 11/20/99 to review the site. The building itself will try to reflect a Castle type structure and they would like to entertain a Renaissance environment. Mr. Jensen's concerns were for the grade of driveways running in and behind the winery, especially if it should be handicap Accessible and that they keep in mind they should have two way traffic when they decide the widths of the drives. The parking lots also look as if it is too tight a fit not leaving enough room for proper turns at the end of each isle or backing out space. They replied that the drawing had been drawn to scale but would look that situation over. Mr. Jensen also commented on the visability of the neighboring properties. They should take every precaution to screen their site from the adjoining properties and to draw landscaping on their site map showing trees and shrubbery already in existence and what they intended to install at a later date to ensure privacy. Mr. Magee ask about architectural drawings. They will be submitted with a preliminary sketch plat along with pictures of perspective examples reflecting the outside appearance.

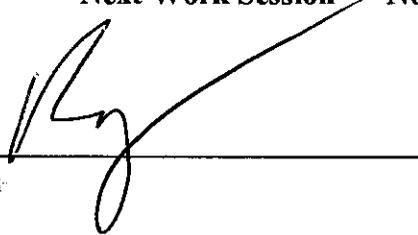
One last question was raised concerning the water supply. The Carisetti Corp. Intends to drill for their own water. This stemmed in to a discussion about supplying municipal utilities to this site and others spaced in between the current municipal supplies.

Mr. Magee will draft a letter to the Town of Urbana addressing the issue of possible funding to extend existing lines.

More discussion will be held at the work session on November 23<sup>rd</sup>, 1999.  
Meeting was closed at 9:20 PM.

**Reminder: Next Regular Meeting December 7<sup>th</sup>, 1999**  
**Next Work Session November 23, 1999**

Chairman

A handwritten signature in black ink, appearing to be 'Ry', is written over a horizontal line. The signature is stylized and extends to the right of the line.

*Deb. Amended 12-7-99*

**Town of Urbana Planning Board  
Minutes  
November 2, 1999**

Present: Robert Magee, Chairman  
John Jensen, Member  
James Presley, Member  
Betty Fitzpatrick, Member  
Diane Costello, Recording Secretary

Others Present: Marvin Rethmel, Thomas and Karen Deegan, Frank Bourke

Chairman of the Board, Robert Magee opened the meeting at 7:12 PM

A. Minutes of the October 5<sup>th</sup>, 1999 meeting were reviewed and approved as submitted. Motion made by John Jensen to approve the minutes, seconded by Robert Magee.

B. Old Business

a.) Subdivision

**Deegan** - Preliminary Review of Application #99-026. Thomas and Karen Deegan were present. This subdivision is located at 9024 Glenbrook Road. The subdivision will consist of 2 parcels; 18 acres and 5.5 acres +/- . It was noted that the tax map does not accurately define the original acreage. Only states 10 to 18 acres. The Deegans feel that it is approximately 23.5 acres. The intent is to keep 5.5 acres for themselves and deed the remainder to a perspective buyer. All questions were sufficiently answered.

A Minor Subdivision was declared. Motion was made by John Jensen to accept and seconded by Mr. Presley. All Agreed. They will be notified of the Acceptance and what action needs to be taken next.

**Bourke** - Sketch Plat review of Application# 99-028 by Mr. Frank Bourke, Mr. Bourke was in attendance. Proposed Subdivision name is Read Farm, Tax Map # 131-1-33.2. The subdivision will consist of approximately 10.24 and 64.76 acres. His intent is to sell both parcels as probable residential lots. The main concern of the Board was to discuss adjoining the 2 separate parcels he is bringing before us tonight. This would be the time to address a right of way between the two if he expected to further subdivide in the future. The two parcels seem to have a large ravine separating the two and there is no intent to join them.

**Bourke-Con't**

Suggestions were given to Mr. Bourke as to making a 50' right of way to be accessible by both parcels of this one subdivision.. Motion by John Jensen to declare a Minor Subdivision and seconded by Robert Magee. All agreed. Mr. Bourke will be notified in writing of the acceptance of a Minor Subdivision and the procedure to follow.

**Bourke - Possible Major Subdivision Application # 99-027. Sketch Plat Review.** Mr. Bourke is seeking a major subdivision of 5 parcels consisting of (1) 2.2 acre parcel, (2) 2 acre parcel, (3) 2 acre parcel, (4) a 25.6 acre parcel and (5) a 16.2 acre parcel. Current land use is recreational raw land. Tax Map #131-1-39.3. Mr. Frank Bourke's mailing address is 145 East 2<sup>nd</sup> Street, Corning, NY 14830. The intent is to place 3 medical offices on the 3 two acre parcels. Parcel (4) MAY be a future Adult Care Facility. Parcel (5) will remain a probable residential parcel depending on the outcome concerning parcel (4). Total acres in the original parcel equals 48.

**Problem Areas:**

- 1) Road lineage needs to be shown on the sketch map.
- 2) The road access in to the 3 medical parcels needs to be a private drive with a turn around. It was suggested that drive through linking (1), (2), (3) and (4) be moved to parcel (3) which has .2 more acres and would also not be as sharp a turn coming in from Route 54. Utility Right of Ways also need to be shown on Sketch Plat.
- 3) The Water Shed should be asked to look the map over to make sure a 2 acre lot is large enough to accommodate the intent of Mr. Bourke's medical facilities.
- 4) It was also suggested that he not prematurely sell parcel (5) until the decision is made as to whether parcel (4) will become an Adult Care Facility or not. This is not a requirement but left to Mr. Bourke's discretion.

A motion was made at this time to approve this parcel for a Major Subdivision by Mr. Presley and seconded by Mr. Jensen with the following stipulations:

- a) Sketch Plat will be resubmitted with the help of the CEO, as to grade for driveway and the investigation of set backs from Rte 54 to the medical facilities.
- b) Watershed Officer be instructed to check out lot size and if approved bring a report to the Town Office as soon as possible.

Mr. Bourke was informed that if the Adult Care Facility does become an actuality that he needs to come before the Board for a review of that parcel in itself.

The intention of the Planning Board is to expedite this project as quickly as possible for Mr. Bourke has a December 31<sup>st</sup>, 1999 deadline.

Bourke Major Subdivision (Con't)

Upon submission of a) and b) above to the Town Clerk in writing by the CEO, along with a revised Sketch Plat, Mr. Bourke will be notified in writing as to whether he may go ahead with a survey. This shall take place within the next few days.

**Doyle** - Update      Some new submissions have been made.  
Public Hearing will be set for November 16, 1999 if Doyle has all Submissions turned in.

**Shuart** - Minor Subdivision      No new Submissions

**Ward** - Minor Subdivision      No new Submissions

b) Concept/Site Plan Review

1) Carisetti Corp-Winery      Submission of letter

2) Simmons - Pleasant Valley Inn      Submission of letter requested at last meeting.

c) Special Use Permits - None

d) ZBA Opinions - None

e) Planning Issues

1. Sign Law - Discussion on Sign at Storage Facility owned by Lin Hough. Mr. Magee will issue a letter to him pertaining to questions as to if the sign was positioned in the proper location.

2. Comp Plan - No Discussion

C) New Business

a) Subdivision - No Discussion

b) Concept/Site Plan Review - No Discussion

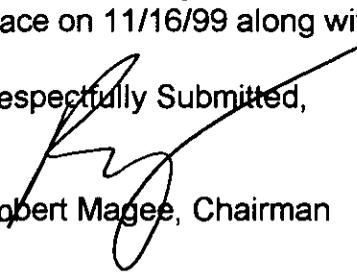
c) Special Use Permit - Discussion on a possible "Beers" Bait and Tackle Shop  
If the Business is not in the residence, within the Village he would not qualify for "Home Occupation." If it is in a detached building he must apply for a Use Variance Permit.

d) ZBA Opinions - No Discussion

e) Planning Issues - No Discussion

The meeting adjourned at 9:25 PM. The next regular meeting is Tuesday Dec. 7<sup>th</sup>, 1999 and if Doyle has submitted all necessary information a Public Hearing will take place on 11/16/99 along with a Work Session.

Respectfully Submitted,

  
Robert Magee, Chairman

**Town of Urbana Planning Board  
Minutes  
October 5, 1999**

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

Others Present:    Michael Doyle, Mr. Weaver, Marvin Rethmeil, Diane Costello

Chairman Magee opened the regular meeting of the Planning Board at 7:10 p.m.

- A.     Minutes of the September 7, 1999 meeting were reviewed and approved as amended. Motion made by Mr. Presley and seconded by Mr. Magee to approve the minutes.

7:15 p.m., Chairman Magee opened the **Public Hearing** in the matter of the William and Martha Treichler Minor Subdivision, **Application #99-01**. This application is requests subdivision for two (2) lots: one lot of 2.237 acres and one lot of approximately 14.41 acres. An extension had been granted to allow the surveys to arrive. Survey was received on September 10, 1999. No question from the Planning Board and No questions from the public. Public Hearing closed at 7:19 p.m.

7:20 p.m. the regular meeting resumed.

B.     Old Business

a.)    Subdivision

**Treichler Minor Subdivision** - Motion made by Mr. Jensen and seconded by Mr. Presley that the Subdivision will not result in any large and important impact and therefore is one which will not have significant impact, therefore a negative declaration will be prepared. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye. Motion to accept findings made by Mr. Presley and seconded by Ms. Fitzpatrick. Application complete; no negative environmental impacts found; meets State and local subdivision requirements; no negative comments entertained during the Public Hearing. SEQR completed. Motion made by Mr. Presley, seconded by Mr. Robinson to declare this a Minor Subdivision. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye. Survey to be sent to the Town Clerk. When the paid tax receipt is in the file, the Clerk will release the copies of the survey to the applicant.

**Tobias** - Beyond the 180 day limit to submit a survey. No request for extension received. Motion made by Mr. Magee, seconded by Mr. Jensen to close the application. Unanimous ayes.

**Bourke - Reed Farm** - No new submissions.

**Bourke** - No new submissions.

**Ward Minor Subdivision** - No new submissions.

**Shuart Minor Subdivision** - No new submissions.

b.) **Concept/Site Plan Review**

Carisetti Corp. - Winery - Site Plan Review was discussed. The standard form was reviewed listing requirements. Ingress and egress, particularly the width of the driveway will be looked at more closely, as well as adequate parking requirements and which location(s) will be used for ingress/egress. Clarification of owner of the common driveway to be established. A Special Use Permit will be needed, and the Board would like to review that simultaneously with the Site Plan Review. Authorization is needed from the current property owner to continue the process.

Simmons - Pleasant Valley Inn - A DOT representative visited the property. The Board will waive further Site Plan Review after receipt from Mr. Simmons in writing that he has met with the DOT and was informed that it is outside the right of way. Motion made by Mr. Magee, seconded by Mr. Jensen. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

c.) **Special Use Permit - None**

d.) **ZBA Opinions - None**

e.) **Planning Issues**

1. **Sign Laws** - to be discussed at work session
2. **Comprehensive Plan** - to be discussed at work session

C. New Business

a.) Subdivision

- 1.) **Doyle Application** - Application for subdivision had expires while waiting for the survey. Motion made by Mr. Magee and seconded by Mr. Jensen to grant an extension. The survey (not yet receipted by the Town Clerk) was reviewed, with no questions from the Board. The surveys are to be received by the Town Clerk, who will then schedule a Public Hearing.

b.) Concept/Site Plan Review

- 2.) **Ryan Sincerbox Application #99-091** - Application to construct a pole building for storage and animals. Code Enforcement Officer recommendation: waive site plan review. Project meets area and use requirements. The Board feels this is not a significant project, but was reviewed because the Board policy is to review all applications for properties on State Route 54. Motion made by Mr. Presley and seconded by Ms. Fitzpatrick to waive further review. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

c.) Special Use Permit - None

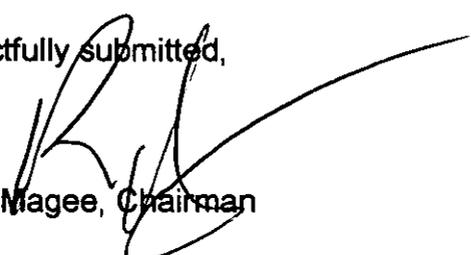
d.) ZBA Opinions - None

e.) Planning Issues - The October conference was discussed.

f.) Other Business was discussed. The resignation of Carolyn Spicer as Recording Secretary was accepted. Diane Costello was introduced to the Board as a prospective replacement.

The meeting adjourned at 8:40 p.m. The next regular meeting is scheduled for **Tuesday, November 2, 1999** at 7:00 p.m.

Respectfully submitted,

  
Robert Magee, Chairman

**Town of Urbana Planning Board  
Minutes  
September 7, 1999**

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

**Others Present:** Thomas Simons, Charles Ward, Gary Weaver, Bonnie Ward, Patricia Shuart, Robert Shuart, Domenic Carisetti, Patrice DeMay, Richard Wendlandt, Kriggy Porter

Chairman Magee opened the regular meeting of the Planning Board at 7:10 p.m.

A. Minutes of the August 3, 1999 meeting were reviewed and approved as submitted. Motion made by Mr. Robinson and seconded by Mr. Magee to approve the minutes.

B. Old Business

a.) Subdivision

**Tobias** - Beyond the 180 day limit to submit a survey. Town Clerk notified in writing that the time limit was nearly up and received no response (copy attached).

**Treichler** - Town Clerk notified in writing and the Treichlers responded requesting an extension because of difficulty with the surveyor. An extension was granted for 180 days from this meeting, September 7, 1999 and the Subdivision must be completed within that timeframe. Motion made by Mr. Jensen and seconded by Mr. Robinson to grant the extension. The Treichlers will be notified in writing of the extension approval (copy attached).

**Bourke-Reed Farm** - No new submissions

**Bourke** - No new submissions

b.) Concept/Site Plan Review - None

c.) Special Use Permit - None

d.) ZBA Opinions - None

e.) Planning Issues

1. Sign Laws - to be discussed at work session
2. Comprehensive Plan - to be discussed at work session

C. New Business

a.) Subdivision

- 1.) Ward Subdivision, **Application #99-020**, Charles Ward, 439 E. Lake Road, Hammondsport, NY, seeking a Minor Subdivision of 0.647 acre parcel into (1) .632 acre parcel and (1) parcel 15 ft. X 46 ft. 3 in. (693.75 sq. ft.). No questions from the Board. Applicant to be notified in writing of the requirements for the final application. Motion made by Mr. Presley to approve the Preliminary Application and declare a Minor Subdivision; seconded by Mr. Robinson. Roll Call vote as follows: Mr. Robinson, aye; Mr. Jensen, aye; Mr. Presley, aye; Mr. Magee, aye.
- 2.) Wendlandt Subdivision, **Application #99-023**, Ric Wendlandt, 8519 Draper Road, Hammondsport, NY, seeking a Minor Subdivision of 19.5 acre parcel into (1) 17.5 acre parcel and (1) 2 acre parcel. After discussion between the buyer and the seller, the matter was postponed.
- 3.) Shuart Subdivision, **Application #99-025**, Patricia Shuart, 129 W. Lake Rd., Hammondsport, NY. This application is to correct previous records. The Shuart property encroaches on the property of Edgar Sanford, 128 W. Lake Rd., by 2 ft. 6 in. A survey was done by Mr. Sanford, discovering this long-standing encroachment. The Sanford property is a pre-existing, non-conforming lot. By selling this small portion to Shuart, it will be less conforming.

There is documentation on file authorizing the Shuarts to act on behalf of Mr. Sanford. (Copy attached.) The Shuarts seek an annex of 653 sq. ft. to correct the encroachment.

The Board requested copies of deeds for both properties be included with the final application.

Motion made by Mr. Magee and seconded by Mr. Jensen to accept the application and declare a Minor Subdivision. Voice vote of unanimous ayes.

b.) Concept/Site Plan Review

- 1.) Carisetti Corp. - Winery - **Application #99-021**, seeking to change existing vineyard to vineyard and winery. This area is zoned agricultural and would require a Special Use Permit.

Town of Urbana Code 105-9 C (2) v and w states this type of operation is permissible in an agricultural district, but would require a Special Use Permit.

Motion made by Mr. Jensen and seconded by Mr. Presley to accept the Concept Review, and in keeping with the Town of Urbana policy, require a Site Plan Review because the project is located on Route 54. Roll Call vote as follows: Mr. Robinson, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Presley, aye; Mr. Magee, aye.

- 2.) Thomas Simons - **Application #99-065**, Site Plan Review is required since the project is located on Route 54. The application is to build a garage/barn at Pleasant Valley Inn. The Variance request was approved on 7/16/99. Code Enforcement Officer recommends that the Site Plan Review be waived.

Discussion ensued regarding DOT right of way and line of sight. The Board suggested Mr. Simons contact the DOT and request a representative meet with him at the site, and that he get their recommendation in writing.

Mr. Jensen suggested that the Board waive any further Site Plan Review upon receipt of notice that it is not in NY State DOT right of way. It was decided to table that issue until the right of way and line of sight are resolved. Mr. Jensen suggested contacting the Town of Urbana attorney to determine whether the Planning Board needs to review any right of way issues.

c.) Special Use Permit - None

d.) ZBA Opinions

1. Justine Miller - **Application #99-022** - Discussion ensued regarding redesign of the variance application form, to provide more detailed information. The application form for an area variance will be a separate form. There is not enough information in this packet to base a recommendation. The reason for the variance request is not included. Based on the absence of any stated hardship, and lack of information in the file, the Board is not in a position to issue a favorable opinion in this matter. This project, should a variance be granted, should be documented to establish the project is being built outside the right of way.
2. Larry Peterson - **Application #99-024** - There is not enough information in this packet to base a recommendation. The reason for the variance request is not included. Based on the absence of any stated hardship, and lack of information in the file, the Board is not in a position to issue a favorable opinion in this matter.

e.) Planning Issues - none

The meeting adjourned at 9:27 p.m. The next regular meeting is scheduled for **Tuesday, October 5, 1999** at 7:00 p.m.

Respectfully submitted,



Robert Magee, Chairman



# Town of Urbana

41 Lake Street  
Hammondsport, New York 14840-0186

Supervisor  
607-569-3741

Town Clerk  
607-569-3743

Fax #  
607-569-2412

August 6, 1999

Mr. Dan Steinkohl  
9195 Bully Hill Road  
Hammondsport, NY 14840

Dear Mr. Steinkohl:

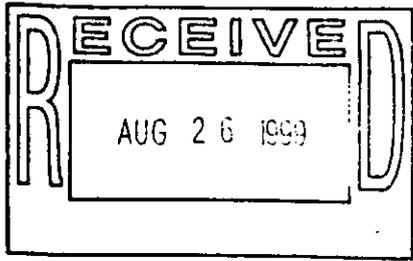
We have not heard from you for quite some time. Per our Subdivision Law, an applicant has 180 days to prepare and submit a final plat map. You met with the Board on March 2, 1999 and the 180 days is about to run out. If this happens, you will have to withdraw this application in writing and file a new one. Please advise us of your plans.

If you have any questions, please feel free to call.

Sincerely,

Debbie Pierce  
Town Clerk

cc: Max Tobias



7988 Van Amburg Road  
Hammondsport, NY, 14840  
August 24, 1999

Town of Urbana Planning Board  
Debbie Pierce, Town Clerk  
41 Lake Street, Hammondsport, NY, 14840

Dear Mrs. Pierce:

We are continuing to have a problem with the surveyor we hired. He does not complete the survey, but he does not say that he will not do it. We have talked to him by phone, and have written him, but still have no word from him on when he will do the survey.

Would you please grant us another extension, and if he does not complete the survey by the time the present extension is up, we will look for another surveyor.

Sincerely yours,

*Bill and Martha Trechler*



# Town of Urbana

41 Lake Street  
Hammondsport, New York 14840-0186

Supervisor  
607-569-3741

Town Clerk  
607-569-3743

Fax #  
607-569-2412

September 8, 1999

Bill and Martha Treichler  
7988 VanAmburg Road  
Hammondsport, NY 14840

Dear Mr. & Mrs. Treichler:

The Town of Urbana Planning Board met in regular session on September 7, 1999, and reviewed your letter of August 24, 1999 to the Town Clerk.

The Planning Board has approved an extension on your application for a minor subdivision, #99-01. This extension is for 180 days from September 7, 1999, and the Subdivision must be completed by that time.

If you have any questions, please feel free to contact the Town Clerk.

Sincerely,

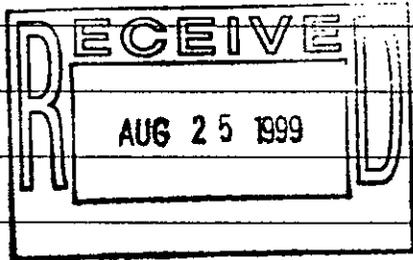
Robert Magee, Chairman  
Town of Urbana  
Planning Board

RM:cs

8-23-99

I hereby authorize Robert Stewart  
to act as my agent in connection  
with form # TV01 & all matters  
related to same hereafter, including  
Town Planning Board Meetings  
where he can act in my name  
~~that~~

Edw. J. Stewart



Robert Stewart  
129 W. Lake Rd  
P.O. Box 326  
Hammond, Ind 46327  
1484

Tel # 864-3170

**Town of Urbana Planning Board  
Minutes  
August 3, 1999**

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

Others Present:    Gary McDaniels

Chairman Magee opened the Public Hearing at 7:15 p.m., in the matter of the McDaniels Subdivision, **Application #99-014**, Elizabeth McDaniels, 9182 Glenbrook Road, Hammondsport, NY, seeking a Minor Subdivision of 101.72 acre parcel into (1) 50.0 acre parcel and (1) 51.72 acre parcel. There is a letter on file dated July 13, 1999 authorizing Gary McDaniels to act on behalf of Elizabeth McDaniels.

A satisfactory watershed report is on file from CEO Terry DeBuck. Completed file and report from CEO Dave Oliver also on file. The application is complete and all submissions are in.

No further questions from the Board.

The Public Hearing closed at 7:19 p.m. on a motion made by Mr. Jensen and seconded by Mr. Robinson.

The regular meeting of the Planning Board convened at 7:20 p.m.

A.     Minutes of the June 15, 1999 meeting were reviewed and approved as amended. Motion made by Mr. Magee to approve the minutes, seconded by Mr. Robinson.

Minutes of the July 6, 1999 meeting were reviewed and approved as amended. Motion made by Mr. Jensen and seconded by Ms. Fitzpatrick to approve the minutes.

B.     Old Business

a.)    Subdivision

**Treichler Subdivision** - No new submissions

**Bourke - Reed Farm** - No new submissions

**Bourke** - No new submissions

b.)    Concept/Site Plan Review - None

c.)    Special Use Permit - None

d.)    ZBA Opinions - None

e.) Planning Issues

1. Sign Laws - No discussion at this meeting
2. Comprehensive Plan - Reviewed and discussed and revisions made.

C. New Business

a.) Subdivision

McDaniels Subdivision, **Application #99-014**, Elizabeth McDaniels, 9182 Glenbrook Road, Hammondsport, NY, seeking a Minor Subdivision of 101.72 acre parcel into (1) 50.0 acre parcel and (1) 51.72 acre parcel. There is a letter on file dated July 13, 1999 authorizing Gary McDaniels to act on behalf of Elizabeth McDaniels.

SEQR Part II completed. Motion made by Mr. Robinson and seconded by Mr. Magee that the Subdivision will not result in any large and important impact and therefore is one which will not have significant impact, therefore a negative declaration will be prepared. Roll Call vote as follows: Mr. Robinson, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

Findings:

Application is complete  
Meets requirements of State and Local Law  
Meets Subdivision requirements  
No negative environmental impact

Motion made by Mr. Magee, seconded by Mr. Jensen to accept the findings. Roll Call vote as follows: Mr. Robinson, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

Motion made by Mr. Jensen and seconded by Ms. Fitzpatrick to approve the Minor Subdivision. Roll Call vote as follows: Mr. Robinson, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

The following will be prepared and mailed: Negative Declaration; notification in writing to the applicant; notification to the Assessor.

b.) Concept/Site Plan Review - None

c.) Special Use Permit - None

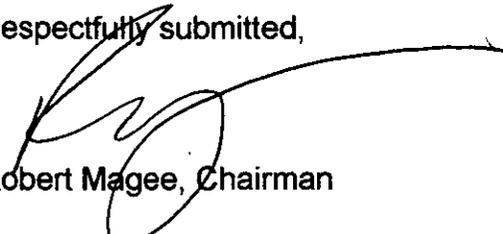
d.) ZBA Opinions

1. Ron Wilkins - Motion made by Mr. Jensen to deny because setbacks along Keuka Lake are the smallest in the Town of Urbana, and should be given a variance only when there is extreme hardship, none of which is indicated in the application. Seconded by Mr. Robinson. Roll Call vote as follows: Mr. Robinson, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

e.) Planning Issues - none

The meeting adjourned at 8:55 p.m. The next regular meeting is scheduled for **Tuesday, September 7, 1999** at 7:00 p.m.

Respectfully submitted,



Robert Magee, Chairman

**Town of Urbana Planning Board**  
**Minutes**  
**July 6, 1999**

Present:            Robert Magee, Chairman  
                      John Jensen, Member  
                      Betty Fitzpatrick, Member  
                      James Presley, Member  
                      Randy Robinson, Member

Others Present:    Jack Allen, Mr. Simons, Lin Hough, Grace McNamara, William and Martha Treichler, Maria McNamara-Fitzgerald, Malcolm Lane, Gary McDaniels, Elizabeth McDaniels.

At 7:15 p.m. the Public Hearing opened in the matter of Treichler Minor Subdivision, **Application #99-01**. A survey map was submitted by the Treichlers, but was incomplete. The Surveyor has been asked to return. The Public Hearing was recessed at 7:21 p.m. to reconvene when the survey is completed. Motion to recess made by Mr. Presley, seconded by Mr. Magee. Unanimous ayes.

At 7:22 p.m. the Public Hearing opened in the matter of McNamara Minor Subdivision, **Application #99-012**. Two parcels: Parcel 1 - 69.34 acres, Parcel 2 - 100 acres which is to be conveyed to Barbara Lucas, on which there was a Public Hearing for a Special Use Permit applying only to the 100 acre parcel. No questions from Board members or the public. The Public Hearing closed at 7:27 p.m.

At 7:28 p.m. the Public Hearing opened in the matter of Susan Jones Subdivision, **Application #99-007**. A letter was received by the Board from the Town Clerk indicating that tax receipts, watershed reports and SEQR were not submitted in regard to this application. Since that letter the SEQR and tax receipts have been submitted but the watershed report has not. Mr. Jack Allen reported to the Board that the watershed report will be submitted and is scheduled this week. No questions from the Board. The Public Hearing closed at 7:38 p.m., contingent on receiving a favorable watershed report.

The regular meeting of the Planning Board opened at 7:39 p.m.

Minutes of the May 18, 1999 and June 1, 1999 meetings were reviewed. Corrections made and accepted as amended. Motion made by Ms. Fitzpatrick and seconded by Mr. Magee to approve as amended. Unanimous ayes.

A.     Old Business

a.)    Subdivision

1.     Tobias - Additional submissions are past due. If further action is requested, the applicant must reapply.
2.     Bourke - Application withdrawn. Additional applications have been made.

b.) Concept/Site Plan Review

1. **Malcolm Lane - Application #99-039.** At a Public Hearing in June, members of the public voiced objection to the application due to loss of lake view, effecting 7 families totaling 19 people. Letters were received and read into the minutes (copies attached) asking to be notified of the Site Plan Review and building permit applications for new construction on the Subdivision. The site was visited by members of the Board, photographs were taken and were reviewed at this meeting. A letter from neighbors indicating there was a waterline easement was read and reviewed by the Board, and a copy of same was given to Mr. Lane. Mr. Lane clarified that there is no deed restriction for waterline easement. Findings and recommendations of the Planning Board as discussed at the June 15, 1999 meeting are attached to these minutes. Motion made by Mr. Magee to accept the findings as amended at this meeting, and seconded by Mr. Presley. Unanimous ayes.

Recommendation: In that the Code Enforcement Officer indicates that the intended project meets current Town and New York State Uniform Fire and Building Codes, and that there has not been offered any documentation to substantiate claims that the project will block the view corridor from a large number of residences, it is the recommendation of the Town of Urbana Planning Board to waive any further review. The Code Enforcement Officer should be made aware of the existence of a Deeded waterline easement and be reminded that the project is being built to the minimum allowable setback. All setbacks should be checked carefully against the survey and existing pins to insure that this project remains in compliance with setback requirements. Motion to waive any further review made by Mr. Magee and seconded by Mr. Presley. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

c.) Special Use Permit - None

d.) ZBA Opinions - None

e.) Planning Issues

1. Site Plan Policy - Results of Board discussion distributed, reviewed and amended and now read as follows:

*Currently it is the policy as per the Town Code, to subject all projects that require a Permit to a Concept Review, and depending upon the outcome, a full Site Plan Review. This process has been found to be cumbersome and time consuming for the Board, the CEO, the Town Clerk and the applicant. In an attempt to streamline this process the Planning Board resolves as a matter of policy the following:*

*Until further notice, the Town of Urbana Planning Board defers its review of applicable projects to the Town of Urbana Code Enforcement Officer(s) except that the Board shall require a Concept in the following circumstances:*

- Any projects requiring a Variance.*
- Any projects requiring a Special Use Permit*
- All projects of multiple dwellings*
- All projects on Route 54 from the Bath Line to the Wayne Line*
- All projects in the Industrial District*
- All projects involving more than one structure*
- Any projects that the Planning Board is made aware of by the CEO or any other person(s) that have specific circumstances that may warrant an in depth review*
- Any structure larger than 10,000 square feet*

*A list is to posted and updated as issued, of all permits.*

Motion was made by Mr. Presley and seconded by Ms. Fitzpatrick to adopt the Site Plan Policy. Unanimous ayes.

2. Private Road Policy - A letter was received by the Planning Board from Town Highway Superintendent David Buckley, (copy attached) with recommendations for a minimum standard for residential and light commercial private roads as follows:

- Width - 50 foot right of way*
- Driving Lanes - Two lanes of not less than 9 feet of width per each lane*
- Base - 6 to 12 inches gravel*
- Crown - Paved or improved compacted surface with a one quarter inch per foot crown to insure proper drainage.*
- Ditching - Adequate ditching, as dictated by the terrain, to direct storm water runoff away from the driving lanes.*
- Grade - Roads in steep or uneven terrain should have no portion that exceeds a 10 percent grade.*

Mr. Buckley stressed that these are general minimum standards providing adequate access for most emergency vehicles. In situations with unusual landforms, steep terrain, wet areas, streams, or similar concerns Mr. Buckley recommends consulting an engineer.

Motion made by Ms. Fitzpatrick and seconded by Mr. Magee to adopt the recommendations as policy. Unanimous ayes.

C. New Business

a.) Subdivision

1. McDaniels - **Application #99-014** - application for Minor Subdivision consisting of one parcel 101.72 acres and one parcel 50 acres. Meets requirements of the Code. No questions from the Board. Public Hearing to be scheduled after CEO Dave Oliver has signed. Motion made by Mr. Presley and seconded by Mr. Magee to declare a Minor Subdivision. Unanimous ayes. Notice to be mailed to Ms. McDaniels by the Town Clerk.

2. Bourke Read Farm - **Application #99-018** - application for Minor Subdivision. It was noted that the Tax Parcel number is missing on the application, and must be completed. There are 75 acres to be subdivided into one parcel of 10.24 acres and one parcel of 64.76 acres. There were no questions from the Board. An Application for Minor Subdivision was given to the applicant at the meeting. Motion made by Mr. Jensen and seconded by Mr. Magee to declare this a Minor Subdivision. Unanimous ayes. Notice to be mailed to Mr. Bourke by the Town Clerk.

3. Bourke Townsend Subdivision - **Application #99-019** - application for Major Subdivision. The Board asked Mr. Bourke if the driveway is an existing driveway and the applicant indicated it is. Mr. Magee has requested from the Town Attorney that he advise whether wording in a previous Subdivision, now makes it impossible to allow a right of way, due to a deed restriction. Mr. Magee will request that the Town Clerk review the files as Mr. Magee continues to pursue a response from Attorney Flynn.

b.) Concept/Site Plan Review

1. McNamara - **Application #99-012** - The Board reviewed SEQR Part I and completed Part II. As per the CEO application is complete and meets code requirements. Motion made by Mr. Presley and seconded by Mr. Magee that the Subdivision will not result in any large and important impact and therefore is one which will not have significant impact, therefore a negative declaration will be prepared. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

Findings:

- Application complete
- No negative comments at public hearing
- Subdivision is compliant with State and local laws and the Town of Urbana
- No negative impacts found during SEQR review.

Motion made by Mr. Magee and seconded by Mr. Jensen to accept the findings. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

2.) Hough - **Application #99-016** - CEO report indicates that the project meets use and area code requirements for business. Motion made by Mr. Presley and seconded by Mr. Robinson to waive further review. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

3.) Catherman - **Application #99-049**; Tait - **Application #99-052**; Watson - **Application #99-045**; Carney - **Application #99-053**; Motion made by Mr. Presley and seconded by Ms. Fitzpatrick to waive further review. Roll Call vote as follows: Mr. Robinson, aye; Mr. Presley, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Magee, aye.

c.) Special Use Permit - None

d.) ZBA Opinions

1.) Simons - Recommend it be denied because of self-created hardship, and advise the applicant they should check DOT survey maps. Notice to be sent to ZBA by the Town Clerk.

A motion was made at 10:30 p.m. by Mr. Presley and seconded by Ms. Fitzpatrick to adjourn the meeting. Unanimous.

Respectfully submitted,

Robert Magee, Chairman

June 30, 1999

To: Town of Urbana Planning Board  
Re: Private Roads Standards

In response to your questions regarding construction standards for private roads I would recommend the following as a minimum standard for residential and light commercial activities:

Width	50 foot right of way
Driving Lanes	Two lanes of not less than 9 feet of width per each lane
Base	6-12 inches gravel
Crown	Paved or improved compacted surface with an one quarter inch per foot crown to insure proper drainage.
Ditching	Adequate ditching, as dictated by the terrain, to direct storm water runoff away from the driving lanes
Grade	Roads in steep or uneven terrain should have no portion that exceed a 10 percent grade

Please keep in mind that these are general minimum standards that should provide adequate access for most emergency vehicles. In situations with unusual landforms, steep terrain, wet areas, streams, or similar concerns I recommend consulting an engineer.

Respectfully,

David Buckley, Town Highway Superintendent

*Attach to  
Minutes of 7/6*

**Town of Urbana Planning Board**  
**Minutes**  
**June 15, 1999**

Present:            Robert Magee, Chairman  
                      John Jensen, Member  
                      Betty Fitzpatrick, Member

Others Present:    Judith Cagle, Ramona Burlew, Debbie Bronzetti, Dave Pierce, Malcolm Lane

At 7:15 p.m. the Public Hearing opened in the matter of Judith Cagle and Ramona Burlew, **Application #99-002**, requesting a Minor Subdivision at 8949 Telegraph Rd., Savona, NY 14879; dividing 7.24 acres into 2 lots of 4 acres and 3.24 acres.

This was declared a Minor Subdivision at a previous meeting. Applicant stated they decided against placing a mobile home on the lot.

The survey differs from the sketch map. Actual acreage is as follows: Parcel A 4.22 acres; Parcel B 3.0 acres.

The Public Hearing closed at 7:22 p.m.

The regular meeting of the Planning Board opened at 7:23 p.m.

Notified by Mr. Jensen that no business is to be conducted at the work sessions. Mr. Magee will discuss the scheduling with the Town Clerk. There will be public hearings only, and no business that requires interaction with applicants. First time applications will be reviewed at the end of the work session if time permits.

The Cagle Subdivision was addressed. SEQR Part I completed. SEQR motion made by Ms. Fitzpatrick and seconded by Mr. Magee. Roll Call vote as follows: Mr. Jensen, aye, Ms. Fitzpatrick, aye, Mr. Magee, aye.

Motion made by Mr. Magee to grant the Minor Subdivision and seconded by Ms. Fitzpatrick. Roll Call vote as follows: Mr. Jensen, aye, Ms. Fitzpatrick, aye, Mr. Magee, aye.

The following exhibits/submissions are on file with the Town Clerk:

- A-1    Completed application
- A-2    Paid application fee
- A-5    Completed SEQR Part I
- A-6    Copy of deed
- A-7    Paid tax receipt copies
- A-8    Adjoining property owners list
- A-10  Sketch plat
- C      Watershed report
- Copy of Legal Notice
- Code Enforcement Officer's report

Town of Urbana Planning Board - June 15, 1999

The Board addressed the Pearce Major Subdivision. Public Hearing was held June 1, 1999, **Application #99-006**.

SEQR motion made by Mr. Magee, seconded by Mr. Jensen. Roll Call vote as follows: Ms. Fitzpatrick, aye, Mr. Jensen, aye, Mr. Magee, aye.

Motion to grant Major Subdivision made by Ms. Fitzpatrick, seconded by Mr. Magee. Roll Call vote as follows: Mr. Jensen, aye, Ms. Fitzpatrick, aye, Mr. Magee, aye.

Mr. Pearce will supply the Town with a copy of an addition easement, permitting neighbor to utilize a small portion of the 5 acres parcel for snow removal. This is not a condition of the Subdivision.

The Board reviewed Lane **Application #99-039**. A letter from neighbors was introduced (copy attached), requesting from the Urbana Town Board that they be notified of the site review and the application for a building permit. Board discussed the best way to proceed: respond in writing to the letter, to be reviewed by the Town Attorney. All four neighbors will be copied and Malcolm Lane. Ten (10) days will be given for a response.

Board reviewed Deborah Bronzetti **Application #99-013**. Ms. Bronzetti was informed that the letter of authorization from Charlie Egresi needed to be more specific, and needs to indicate permission to apply on his behalf. The Board's concerns were: 1) bathroom facilities - are they required for employees? 2) Port-A-John - acceptable for business use 3) DEC discharge permit 4) Application for Site Plan Review.

Discussed Personius **Application #99-015**. Mr. Jensen made a motion to waive, noting the CEO should be made aware of potential problems with ingress/egress and line of sight. Seconded by Ms. Fitzpatrick. Unanimous ayes.

Tom Becker **Application #99-040** was discussed. CEO report indicates compliance. Motion made by Mr. Magee to accept and seconded by Ms. Fitzpatrick. Unanimous ayes.

Drs. Holobinko/Mirza **Application #99-054** was discussed. CEO report indicates compliance. Motion made by Mr. Magee to accept and seconded by Ms. Fitzpatrick. Unanimous ayes.

William Haven **Application #99-017**. Mr. Jensen made a motion to waive based on ZBA reinterpretation of the Code. Seconded by Mr. Magee. Unanimous ayes.

Mr. Jensen made a motion that this Board should not address any projects until Site Plan Code Enforcement Officer's worksheet has a place for the CEO to sign; and not to address any that are not filled out completely. Seconded by Mr. Magee. Unanimous ayes.

A motion was made at 11:00 p.m. by Ms. Fitzpatrick and seconded by Mr. Magee to adjourn the meeting. Unanimous.

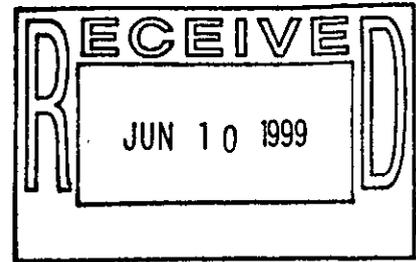
Respectfully submitted,  
Robert Magee, Chairman



6-1-99

Urbana Town Board

Ladies & Gentlemen:



Since we are anticipating a building being placed on the Melcolm Lane sub-division (formally the Wagner property 397 West Lake Road), we would like to request a full site review and be notified of the site review and the application of the building permit.

Thank you for your time and consideration.

Larry Finlayson  
394 W. Lake Road  
Hammondsport, NY 14840

Timothy Bates  
400B W. Lake Road  
Hammondsport, NY 14840

John Kanick  
P.O. Box 549  
Hammondsport, NY 14840

Justine Miller  
399 W. Lake Road  
Hammondsport, NY 14840

CC: Town of Urbana Planning Board

June 15, 1999

To: Larry Finlayson, John Kanick, Timothy Bates, Justine Miller  
Re: Request for Site Plan Review

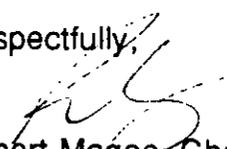
The Town of Urbana Planning Board is in receipt of a letter requesting that a full Site Plan Review be held on a parcel owned by Mr. Malcolm Lane, located at 397 West Lake Road. The Town has received an application for a Building Permit, indicating that Mr. Lane would like to place a single family residence at this location.

The Planning Board has received a report from the Town Code Enforcement Officer indicating that this project is in compliance with all applicable Town Codes. The next step in this process is for the Planning Board to review this report, the application and any other pertinent documentation and make a determination if this project warrants any further review. Upon completion of this review the Board will vote to either waive any further review or to begin a Concept and Site Plan Review.

Town of Urbana Code (Section 88-9, paragraph D) contains a provision to allow "...any person, group or organization..." to make the Planning Board aware of "...any proposed usage that may be or that has the potential to be in conflict with the existing or permitted use of contiguous land and/or of any adjacent neighborhoods.." "...then the Planning Board may initiate a site plan review prior to the issuance of any permits."

The letter that we received does not state any specific concerns or conditions regarding this project and was unsigned. The Planning Board wishes to address this matter in a manner that is fair to all parties involved. We request that you submit a letter, signed by all parties named within, that contains specific concerns and adequate documentation and any other evidence that you may be able to provide that supports any such concerns. In an effort to expedite this matter we request that the aforementioned be received by the Town Clerk on or before June 28, 1999.

Respectfully,

  
Robert Magee, Chairman, Town of Urbana Planning Board  
Betty Fitzpatrick, Member  
John Jensen, Member  
Jim Presley, Member  
Randy Robinson, Member

cc File  
Attorney Flynn  
Terry DeBuck, CEO  
Members  
Malcolm Lane

**Concept Review - Malcolm Lane - Application #99-039**

**Findings and Recommendations:**

The Town is in receipt of an application from Mr. Malcolm Lane to construct a two story single family residence.

The Planning Board was notified verbally at the 6/1/99 Lane Subdivision Hearing that the intended project would block the view of seven residence that total nineteen persons.

The Planning Board is in receipt of an unsigned letter bearing the names of four persons with addresses in the neighborhood of the Lane property, dated 6/1/99, requesting a full Site Plan Review of the Lane Building Project Permit #99-039. The Board responded requesting signatures and specify facts and documentation that support such a request.

The Board is in receipt of a letter dated 6/21/99 raising concerns over neighborhood density and indicating that a waterline servicing a residence is recorded in the County records as Libra 446, Page 348.

The Planning Board is in receipt of a Code Enforcement Officer's report indicating that the intended construction is within the maximum bulk regulations for the district (LFR).

There is no current legislation or process within the Town Code that specifically addresses or protects individual neighbors' views within existing Town Zoning Regulations.

Restrictions placed upon a legally permitted project can be considered to be a municipal taking.

Photographs taken on a site visit do not substantiate the claim that this parcel affords a view to seven residences. The parcel in question currently contains a storage building and vegetation which obscure most of the view of Keuka Lake from any point outside the boundaries of the parcel.

Of those persons signing the 6/21/99 letter, a site visit would indicate that only one of the signers, Ms. Justine Miller, has any view of the lake via this parcel. That view is extremely limited by the shed and vegetation already on the Lane property.

Recommendations:

In that the Code Enforcement Officer indicates that the intended project meets current Town and NYS Uniform Fire and Building Codes, and that there has not been offered any documentation to substantiate claims that the project will block the view corridor from a large number of residences it is the recommendation of the Planning Board to waive any further review. The Code Enforcement Officer should be made aware of the existence of a Deeded waterline easement, and be reminded that the project is being built to the minimum allowable setback. All setbacks should be checked carefully against the survey and existing pins to insure that this project remains in compliance with setback requirements.

AP:docs/lanefind

**Town of Urbana Planning Board  
Minutes  
June 1, 1999**

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

Others Present:    Jack Allen                            Malcolm Lane  
                      Dr. Frank Bourke                    David Pearce  
                      Barbara Lucas                       Paul & Bonnie Carney  
                      Dr. Bates                             Hubert & Mary Carol  
                      John Kanik                            Lawrence & Gail Zimmer  
                      Justine Miller                        Maria McNamara-Fitzgerald  
                      Beth McNamara                       Grace McNamara

At 7:22 p.m. the Public Hearing opened in the matter of Barbara Lucas, **Application #99-010**, requesting a Special Use Permit pursuant to Section 105-10 B (2)(c) of the Town of Urbana Code to operate an art school at 8862 County Route 87, Hammondsport, New York. It is noted that the property owners authorized Ms. Lucas to file application for the Special Use Permit and that it is for only that portion of the property on which she has made a purchase offer.

No comments from the public. The Public Hearing closed at 7:28 p.m.

At 7:31 p.m. the Public Hearing opened in the matter of David Pearce, **Application #99-006**, requesting a Major Subdivision of property located at the corner of Greyton H. Taylor Memorial Drive and Longwell Cross Road, Hammondsport, New York. Mr. Pearce had previously subdivided 6 parcels from the original 181.109 acre parcel and is now subdividing the remaining 132.07 acres into one (1) 5.097 acre parcel and one (1) 126.973 acre parcel. A list of the exhibits/submissions in regard to this matter is attached.

Members of the public asked for information on road frontage requirements and acreage requirements and Mr. Magee responded. It was noted that there is a deed restriction on this property requiring 5 acre minimum parcels.

Board Member, Randy Robinson, asked Mr. Pearce to explain whether there was an easement for right of way arranged with property owner Ken Collins. Mr. Pearce explained that it will be included as a deed restriction for ten (10) feet on the south side, for purposes of snow removal, and there has been a verbal agreement. An eighteen foot (18) right of way already exists. A copy of the final agreement was requested for the Town of Urbana files.

The Public Hearing closed at 7:49 p.m.

At 7:50 p.m. the Public Hearing opened in the matter of Malcolm Lane, **Application #99-009**, requesting a Minor Subdivision of property at 397 W. Lake Road, Hammondsport, New York. The original 1.023 acres would become two (2) parcels, one (1) of 0.323 acres and one (1) of 0.700 acres.

The following exhibits/submissions are on file with the Town Clerk:

- Code Enforcement Officer's report
- Letters to neighbors
- Letter posting the notice of Public Hearing in the Leader
- Letter from neighbor, Justine Miller
- Note from the Town Clerk regarding a phone call from neighbor, Dr. Abbas
- Sketch map
- Copy of deed
- Sketch map
- SEQR
- Copy of paid tax receipts - School Taxes
- List of adjoining property owners
- Copy of paid tax receipts - Town and County Taxes
- Receipt for \$50.00 application fee
- Completed application
- Letter of intent

The Keuka Lake Shoreline lot requirements were noted by Mr. Magee for the members of the public.

Members of the public voiced concern regarding their loss of view of the lake. It was noted that there are seven (7) families, a total of 19 people, who would be effected. Mr. Magee and Mr. Jensen explained that there will be a time for those concerns to be heard during the Site Plan Review, and that this hearing is for subdivision only.

The Public Hearing closed at 8:29 p.m.

The regular meeting of the Planning Board convened at 8:30 p.m.

- A. Minutes of the May 4, 1999 meeting were reviewed and approved as amended. Motion made by Ms. Fitzpatrick to approve the minutes, seconded by Mr. Magee, unanimous ayes by the Board Member.

Minutes of the May 18, 1999 meeting, taken by Mr. Magee and prepared by Debbie Pierce were reviewed. Mr. Magee will make corrections and submit the minutes to Ms. Pierce. These minutes will be available for review again at the June 15, 1999 work session of the Planning Board.

B. Old Business

a.) Subdivision

**Tobias/Steinkohl Subdivision** - No new submissions.

**Treichler Subdivision** - No new submissions.

**Cagle Subdivision** - All submissions in. Meets CEO specifications.

**Susan Jones Subdivision** - Waiting for survey. Should be completed this month.

**Bourke Subdivision** - Topographical map was submitted for the file and for Board review. Mr. Jensen would like to visit the site prior to the 6/15/99 work session. It was suggested that Dr. Bourke get a deed restriction for maintenance of the private road.

Mr. Jensen requested that Attorney Flynn be consulted regarding access on the private road for emergency vehicles and school buses, and what implication there are for the Town of Urbana. Mr. Magee will contact Highway Superintendent, David Buckley for his recommendations. The concerns of the Board were: provision for crossing the stream; deed restriction for road maintenance; recommendations of the Highway Superintendent; recommendations of the Town of Urbana Attorney.

This matter will be tabled until responses have been received from the Town Attorney and the Highway Superintendent.

b.) Concept/Site Plan Review

None

c.) Special Use Permit

The Board reviewed the Lucas Special Use Permit, Application #99-010. Note that this is contingent on use only on the parcel Ms. Lucas is purchasing, after the McNamara Subdivision.

SEQR Part I is completed and the Board reviewed Part II.

Motion made by Mr. Jensen 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, therefor a negative declaration will be prepared. Seconded by Ms. Fitzpatrick. Roll Call Vote as follows: Randy Robinson, aye; John Jensen, aye; Betty Fitzpatrick, aye; Bob Magee, aye.

Findings:

Project is allowed/permitted by Section 105-9 C(2)(c), school conducted for profit.

Application is complete.

No negative information during the Public Hearing.

No negative impacts under SEQR review.

A business has been conducted at that address for at least 20 years.

The Board is aware the property is to be subdivided and the applicant is purchasing the house and one parcel of approximately 100 acres.

Motion made by Ms. Fitzpatrick and seconded by Mr. Magee to accept the findings.  
Unanimous.

Motion made by Mr. Jensen, seconded by Ms. Fitzpatrick to grant the Special Use Permit solely to the portion of approximately 100 acres being purchased by Ms. Lucas that includes the house and out buildings.

d.) ZBA Opinions

None

e.) Planning Issues

Tabled until the work session on 6/15/99.

C. New Business

a.) Subdivision

1. **McNamara, Application #99-012**, 8862 County Route 87, Hammondsport, New York. 169.34 acres to be subdivided into one (1) parcel of 100 acres and one (1) parcel of 69.34 acres.

It was noted that the plans of lands must be accurately reflected regarding ownership as stated on the deed, for the final field survey. Should be listed with the 100 acre parcel at Parcel 1, and the 69.34 acre parcel as Parcel 2.

No additional questions from the Board.

Motion made by Mr. Jensen to accept as a Minor Subdivision and accept the plat as submitted, and seconded by Mr. Magee. Roll Call vote as follows: Mr. Magee, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Robinson, aye.

2. **Malcolm Lane - Application #99-009** - requesting a Minor Subdivision of property at 397 W. Lake Road, Hammondsport, New York. The original 1.023 acres would become two (2) parcels, one (1) of 0.323 acres and one (1) of 0.700 acres.

SEQR Part I is completed. The Board reviewed Part II.

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, therefor a negative declaration will be prepared.

Findings:

Completed application

Proposed subdivision meets all requirements in Keuka Lake Shoreline

No environmental impacts

Negative comments during public hearing that concerned potential loss of view if a building is put on the site.

Motion made by Ms. Fitzpatrick and seconded by Mr. Magee to accept the findings. Unanimous.

Motion made by Mr. Robinson and seconded by Mr. Magee to grant the Minor Subdivision. Roll Call vote as follows: Mr. Magee, aye; Mr. Jensen, aye; Ms. Fitzpatrick, aye; Mr. Robinson, aye.

b.) **Concept/Site Plan Review**

**Deborah Bronzetti - Application #99-028** - Request to construct a building to be used as a bait shop. Note that it is the practice/policy of this Board that all projects on Route 54 be reviewed.

The applicant is to be notified that additional submissions are needed, and that the Board would like to meet with the property owner on 6/15/99. Questions for the applicant are in reference to the aesthetics, bathroom facilities, general building plans and appearance from the road, proposed landscaping, proposed signed. Applicant will be notified that presence is required at the Concept Review.

**Kevin Bailey - Application #99-037** - Application to construct a deck around a pool, and construct a 10 foot gazebo. Motion made by Mr. Magee and seconded by Mr. Jensen to waive site review. Unanimous.

**Kathleen Rawlins - Application #99-038 - Application to construct a 20' X 24' log cabin, one and a half stories. Motion made by Mr. Magee and seconded by Mr. Jensen to waive site review. Unanimous.**

c.) Special Use Permit

None

d.) ZBA Opinions

None

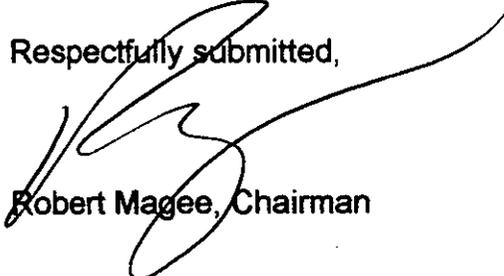
e.) Planning Issues

None

A motion was made at 10:45 p.m. by Mr. Magee and seconded by Ms. Fitzpatrick to adjourn the meeting. Unanimous.

The next regular meeting is scheduled for **Tuesday, July 6, 1999** at 7:00 p.m.

Respectfully submitted,

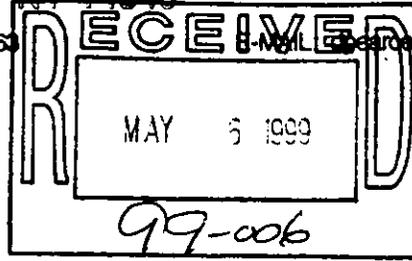


Robert Magee, Chairman

DAVID L. PEARCE, ARCHITECT  
8631 BULLY HILL ROAD  
HAMMONDSPOORT, NY 14840

PHONE: (607) 868-3063

FAX: (607) 868-3063



May 6, 1999

David Oliver, Zoning Officer  
Town of Urbana

Dear Mr. Oliver,

My subdivision file at the Town Clerk's Office in Urbana contains the following documents:

1. A completed Subdivision Application as corrected by you. Your corrections show 2 lots rather than the 1 lot I had erroneously listed and the acreage of each.
2. A receipt for \$50.00 paid by me to the Town Clerk.
3. The names and addresses of all adjoining property owners as prepared by the Town Clerk.
4. Copies of a current deed easement and a right of way.
5. A completed Part One of the Environmental Assessment Form.
6. A copy of the deed.
7. Copies of paid tax receipts.
8. The tax map number is shown on the Sketch Plat.
9. A Sketch Plat as corrected after being reviewed by you. The dimensions of each leg of the lots are now shown as requested by you.
10. A Written Narrative.

New documents, inclosed with this letter, are as follows:

11. An additional Subdivision Application indicating the corrections that you made (see item 1 above). This was requested by the Planning Board at the preliminary meeting.
12. A statement that I plan to add a new deed restriction prohibiting mobile homes on the 5 acre lot that I plan to sell. This also was requested by the Planning Board at the preliminary meeting.

13. Five (5) copies of the final plat survey map.

Please let me know if any information is incorrect or is missing. If not, after your review, please inform the Town Clerk so that the necessary information can be published in The Leader for a public hearing.

Thank you for your assistance.

Sincerely yours,



David L. Pearce

cc:

Debbies Pierce, Urbana Town Clerk  
Robert McGee, President, Urbana Planning Board

Town of Urbana Planning Board  
Minutes  
May 18, 1999

PRESENT:            Robert Magee, Chairman  
                      James Presley, Member  
                      John Jensen, Member  
                      Betty Fitzpatrick, Member  
                      (Minutes taken by Robert Magee)

ABSENT:            Randy Robinson

OTHERS PRESENT: Raymond Spencer, Jim White, Chuck Bailey

The workshop/meeting of the Planning Board convened at 7:09 P.M.

APPLICATION #98-085: GERALDINE FURTERER SUBDIVISION

Mr. Chuck Bailey, an adjoining property owner of Geraldine Furterer, informed the Board that he recently sold a parcel along the Northeast corner of his property to Mr. James White, and Mr. White had not been notified of the Furterer Public Hearing.

Mr. Bailey, Mr. White, and Mr. Spencer asked to be on record " that the Draper Road, which accesses this property subdivision, is in poor condition and is in need of upgrading. As additional residences are added, it has become apparent that it is time to bring this road into better condition so to better serve the increasing number of residences" The Planning Board informed Mr. Bailey, Mr. White, and Mr. Spencer that they are not in the position to oversee road maintenance, but would forward their concerns to the Town Board and the Town Highway Superintendent.

Public Hearing closed at 7:30 P.M.

The Planning Board reviewed SEQRA Part 1 and completed Part 2. Motion was made by James Presley and seconded by Betty Fitzpatrick that on review the subdivision 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:	Robert Magee	Aye
	James Presley	Aye
	John Jensen	Aye
	Betty Fitzpatrick	Aye

Board reviewed request from Geraldine Furturer to waive road frontage requirements. On Motion of Robert Magee and seconded by James Presley and carried to waive the road frontage requirements pursuant to Section 93-28 because of :

(1) Unusual circumstances - Property located on a curve with a portion of abandoned road that is used by Hammondspport Central School bus. This provides, as well as the 170' of frontage adequate access.

(2) While additional frontage may be available, the geography and topography indicate that the optimum point to divide the parcel is, that which is requested by the applicant.

Roll Call Vote: Robert Magee	Aye
James Presley	Aye
John Jensen	Aye
Betty Fitzpatrick	Aye

The following exhibits/submissions are on file with the Town Clerk:

1. Completed application
2. Receipt of \$50.00 application fee
3. Code Enforcement Officer's report
4. Sketch Map
5. Legal Notice for Public Hearing
6. Copy of Paid Tax Receipts
7. Copy of Deed
8. Letter from applicant seeking relief from 250' road frontage requirement
9. SEQRA
10. Septic Inspection Report
11. Copy of applicants tax parcel map
12. List of adjoining property owners
13. Copy of letter to adjoining property owners
14. 5 copies of Survey maps

**FINDINGS:**

1. Application is complete
2. Subdivision is compliant with State and Local Laws and the Town of Urbana's Comprehensive Plan
3. No negative impacts found during SEQRA review
4. No negative comments at the Public Hearing

On Motion of James Presley and seconded by John Jensen and carried, all voting Aye, to approve the Geraldine Furterer Minor Subdivision.

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

On Motion of James Presley and seconded by Robert Magee and carried, all voting Aye, to adjourn the meeting at 9:15 P.M.

The next regular meeting is scheduled for Tuesday, June 1, 1999 at 7:00 P.M.

Respectfully submitted,

Robert Magee, Chairman

Rebbie -

Minutes from 5/18/99  
Meeting also has  
corrections. Bob  
will give the corrections  
to you, since you  
did those minutes.

Bob never gave Clerk  
Corrections - Clerk  
made several attempts  
to get.

**Town of Urbana Planning Board  
Minutes  
May 4, 1999**

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

Others Present:    Jack Allen                            Malcolm Lane  
                         Geraldine Furterer                 David Pearce  
                         Barbara Lucas

The regular meeting of the Planning Board convened at 7:08 p.m.

- A.    Minutes of the April 6, 1999 meeting were reviewed and approved as submitted. Motion made by Mr. Magee to approve the minutes, seconded by Mr. Jensen. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.
- B.    Old Business
- a.)    Subdivision
- Tobias/Steinkohl Subdivision** - No new submissions.
- Treichler Subdivision** - No new submissions.
- Furterer Subdivision** - New survey maps submitted for subdivision. No further questions from the Board. Public Hearing set for 7:00 p.m. on May 18, 1999, prior to the work session.
- Cagle Subdivision** - No new submissions.
- b.)    Concept/Site Plan Review
- c.)    Special Use Permit - none
- d.)    ZBA Opinions - none
- e.)    Planning Issues

C. New Business

a.) Subdivision

1. **Frank Bourke, Application #99-005**, 145 E. 2nd Street, Corning, NY 14830. Mr. Jack Allen was present to answer questions. It was noted that there needs to be a new number assigned to the application, since it is a new application. The Town Clerk will be notified to assign that number. The original application was withdrawn and the new application filed. Board Members wish to visit the site and recommend a topographical map be submitted, showing that the terrain requires subdivision to be handled as submitted, justifying the placement of the access road. The specific distance of the road on each proposed lot was also requested.

The applicant is to be notified in writing what is requested by the Board as modifications to the sketch map, with a copy going to Mr. Allen, in care of Lucy Knapp Real Estate.

2. **Malcolm Lane, Application #99-009** - The Board discussed Mr. Lane's application and had no questions. Mr. Lane will be notified in writing what is required for the final application and approved sketch map. Sketch map as submitted at this meeting is adequate.

Motion made by Mr. Presley to approve the preliminary sketch plan and declare in a Minor Subdivision. Seconded by Mr. Magee. 1. John Jensen, aye; 2. Betty Fitzpatrick, aye; 3. James Presley, aye; 4. Bob Magee, aye.

3. **Susan Jones, Application #99-007** - Jones/Hebert Property Subdivision. Mr. Jack Allen was present to answer questions. The Board will make a written request to Attorney Brian Flynn to determine whose name must appear on the plat. Susan Jones is the Executor. No further questions.

Mr. Presley made a motion to accept the preliminary plat as presented and declare it a Minor Subdivision. Seconded by Ms. Fitzpatrick. 1. John Jensen, aye; 2. Betty Fitzpatrick, aye; 3. James Presley, aye; 4. Bob Magee, aye.

After receiving a response from Attorney Flynn, the applicant will be notified of any additional requirements.

4. **David Pearce - Application #99-006** - Mr. Pearce was present to answer questions. There was discussion as to whether this is a Minor Subdivision or a Major Subdivision. Urbana Code for Major Subdivision was reviewed (copy attached) by the Board, and determinations made as follows:

**93-26.A** - Five (5) copies of sketch plat accepted as preliminary plat.

- (1) This information is present on the preliminary plat.
- (2) Names of adjacent property owners on file.
- (3) Addressed in application.
- (4) Not applicable to this action.
- (5) Pertinent and applicable information is on preliminary plat.
- (6) Pertinent and applicable information is on preliminary plat.
- (7) No topographical map required at this time.
- (8) No proposed streets by developer.
- (9) Not applicable to this action
- (10) Not applicable to this action
- (11) Not applicable to this action
- (12) Not applicable to this action
- (13) Supplied by applicant and is on file
- (14) No new permanent easements
- (15) Actual field survey will be required

**93-26.B** - Master map in applicant's file.

**93-26.C** - Deed restrictions to be submitted which prohibit mobile homes and which define access easement.

It was determined that this had been declared a Major Subdivision, approved by the Town of Urbana Planning Board, relating to an application dated October 4, 1991.

Motion made by Mr. Presley to accept the preliminary plat as submitted and declare this to be a continuing Major Subdivision. Seconded by Mr. Magee. 1. John Jensen, aye; 2. Betty Fitzpatrick, aye; 3. James Presley, aye; 4. Bob Magee, aye.

Mr. Pearce will be notified this was declared a Major Subdivision, and will be referred to the Code Enforcement Officer for further instruction.

Mr. Jensen requested that an outline of the previous application be included with the current application and with any subsequent files. The Town Clerk will be so notified.

b.) Concept/Site Plan Review

**Nancy DeLaney - Application #99-032** - Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Mr. Presley and seconded by Mr. Jensen. 1. John Jensen, aye; 2. Betty Fitzpatrick, aye; 3. James Presley, aye; 4. Bob Magee, aye.

**Rowland Draper - Application #99-033** - Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Mr. Magee and seconded by Ms. Fitzpatrick. 1. John Jensen, aye; 2. Betty Fitzpatrick, aye; 3. James Presley, aye; 4. Bob Magee, aye.

**Jim Hallenbeck - Application #99-034** - Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Mr. Magee and seconded by Mr. Jensen. 1. John Jensen, aye; 2. Betty Fitzpatrick, aye; 3. James Presley, aye; 4. Bob Magee, aye.

**Dorothy Mehlenbacher - Application #99-035** - Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Mr. Presley and seconded by Mr. Jensen. 1. John Jensen, aye; 2. Betty Fitzpatrick, aye; 3. James Presley, aye; 4. Bob Magee, aye.

c.) Special Use Permit

**Barbara Lucas - Application #99-010** - This is a new application, and the Board requested that Ms. Lucas withdraw, in writing to the Town Clerk, her previous application for Special Use Permit. After discussion and questions to Ms. Lucas, it was determined the property has been continually used as a business and residence. Under Town of Urbana Code 105.9 (2)(c), this is an allowable use as a school conducted for profit. The Special Use Permit would be granted for the entire property with the condition that if subdivided, the Special Use Permit applies only to the portion retained by the current applicant; the portion containing the existing house.

A Public Hearing is scheduled for May 18, 1999 at 7:15 p.m., prior to the work session.

d.) ZBA Opinions

1. Brenda Personius - Favorable opinion to be forwarded to the Zoning Board.

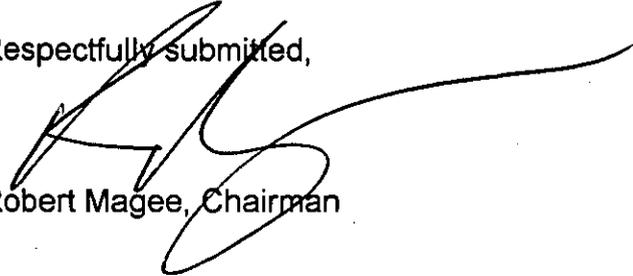
e.) Planning Issues

1. Letter received by the Board from CEO Terry DeBuck - Response to be sent to Mr. DeBuck indicating his question should be directed to Attorney Brian Flynn, since the Board is not the interpretive body.
2. John Jensen presented each Board Member with a copy of his draft of the Urbana Comprehensive Development Plan, 1999 Supplement. This is to be reviewed by Board Members and changes will be determined after each has had an opportunity to review it. To be discussed further at the May work session.

A motion was made at 10:05 p.m. by Mr. Magee and seconded by Ms. Fitzpatrick to adjourn the meeting. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Betty Fitzpatrick, aye; 3. James Presley; 4. Bob Magee, aye.

The next regular meeting is scheduled for **Tuesday, June 1, 1999** at 7:00 p.m.

Respectfully submitted,



Robert Magee, Chairman

- (2) The applicant shall provide clear and concise documentation that ensures that the newly created parcel, as well as the remainder of the original parcel, meets all minimum lot size, dimensional and road frontage requirements.
  - (3) The applicant shall provide an actual field survey of the newly created parcel.
- C. All on-site sanitation and water supply facilities shall be designed to meet the minimum specifications of the New York State Department of Health, and a note to this effect shall be stated on the plat and signed by a licensed engineer.
- D. The proposed subdivision name and the name of the town and county in which it is located.
- E. The date, North point, map scale and name and address of the record owner and subdivider.

**§ 93-26. Contents of major subdivision preliminary plat application; accompanying data.**

The following documents shall be submitted for approval:

- A. Five (5) copies of the preliminary plat prepared at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to the inch, showing:
- (1) The proposed subdivision name, name of the town and county in which it is located, date, true North point, scale, name and address of the record owner, subdivider and engineer or surveyor, including license number and seal.
  - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  - (3) Land use district, including exact boundary lines of the district and any proposed changes in the land use district lines and/or the land use regulations text applicable to the area to be subdivided.
  - (4) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
  - (5) The location of existing property lines, easements, buildings, watercourses, mean high-water marks, marshes, rock outcrops,

- (6) Location of existing sewers, water mains, culverts and drains on the property, with pipe size, grades and direction of flow.
- (7) Contours with intervals of ten (10) to fifteen (15) feet or less as required by the Board, including elevations on existing roads. An approximate grading plan shall be included if natural contours are to be changed more than two (2) feet.
- (8) The width and location of any street or public ways or places shown on the Official Map or the Town Planning Studies and/or Land Use Plan, if such exists, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) The approximate location and size of all proposed water lines, valves, hydrants, septic/leach fields, wells and sewer lines and fire alarm boxes. Connection to existing lines or alternate means of water supply or sewage disposal and treatment shall be as provided in the Public Health Law. Profiles of all proposed water and sewer lines shall be included.
- (10) A storm drainage plan indicating the approximate location and size of proposed lines and their profiles. Connection to existing lines or alternate means of disposal shall be shown.
- (11) Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains and the size and type thereof, the character, width and depth of pavements and subbase and the location of manholes, basins and underground conduits.
- (12) Preliminary designs of any bridges, culverts, seawalls or piers which may be required.
- (13) The proposed lot lines, with the approximate dimensions and area of each lot.
- (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty (20) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or

§ 93-26

SUBDIVISION OF LAND

§ 93-26

wooded areas, single trees with a diameter of eight (8) inches or more as measured three (3) feet above the base of the trunk and other significant existing features for the proposed subdivision and adjacent property.

(Cont'd on page 9335)

public open space shown on the subdivision map or the Official Map.

- (15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Planning Board in consultation with appropriate officials and shall be referenced and shown on the plat.
- B. If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four hundred (400) feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract shall be submitted. The part of the subdivider's entire holding submitted shall be considered in light of the entire holdings.
- C. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.

**§ 93-27. Contents of major subdivision final plat application; accompanying data.**

The following documents shall be submitted for plat approval:

- A. The plat to be filed with the Steuben County Clerk, clearly drawn in India ink upon cloth or Mylar. The plat shall be drawn at a scale of no more than one hundred (100) feet to the inch and oriented with the North point at the top of the map. When more than one (1) sheet is required, an additional index sheet of the same size shall be filed, showing to scale the entire subdivision with lot and block numbers clearly legible. The plat shall show:
  - (1) The proposed subdivision name or identifying title and the name of the town and county in which the subdivision is located, the name and address of the record owner and subdivider and the name, license number and seal of the licensed land surveyor.
  - (2) Street lines, pedestrian ways, lots, reservations, easements and areas to be dedicated to public use.

- (3) Sufficient data acceptable to the Planning Board in consultation with appropriate officials to determine readily the location, bearing and length of every street line, lot line and boundary line and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the State System of Plane Coordinates, and in any event should be tied to reference points previously established by a public authority.
- (4) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearing shall be given for each street. All dimensions and angles of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundaries of the property, location, graphic scale and true North point.
- (5) By proper designation thereon, all public open spaces for which deeds are included and those spaces the title to which is reserved by the developer. For any of the latter, there shall be submitted with the final plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor.<sup>38</sup>
- (6) All offers of cession and covenants governing the maintenance of unceded open space bearing the certificate of approval of the Town Attorney as to their legal sufficiency.
- (7) Lots and blocks within a subdivision numbered and lettered in alphabetical order in accordance with the prevailing town practice.
- (8) Permanent reference monuments that have been constructed in accordance with specifications of the Planning Board in consultation with appropriate officials. When referenced to the State System of Plane Coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Planning Board in consultation with appropriate officials and their location noted and referenced upon the plat.

<sup>38</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. 1.

- (9) All lot corner markers permanently located satisfactorily to the Planning Board and appropriate officials, at least three-fourths (3/4) inch (if metal) in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.
  - (10) Monuments of a type approved by the Planning Board in consultation with appropriate officials, set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Planning Board in consultation with appropriate officials.
- B. A construction drawing, including plans, profiles and typical cross sections, as required, showing the proposed location, size and type of streets, sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, pavements and subbase, manholes, catch basins and other facilities.

ARTICLE V  
Variances

§ 93-28. Conditions for grant.

- A. When the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Town Planning Studies or the land use regulations, if such exists.
- B. Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvement is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements subject to appropriate conditions.
- C. In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

**Town of Urbana Planning Board  
Minutes  
April 6, 1999**

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

Others Present:    Jack Allen

Chairman Magee reconvened the Public Hearing at 7:15 p.m., in the matter of the application of Barbara Lucas for a Special Use Permit.

There has been no contact from the applicant, and there were no new submissions.

No written response has been received from Attorney Flynn regarding whether the deed restriction prevents the Planning Board from issuing a Special Use Permit.

The Public Hearing closed at 7:18 p.m. on a motion made by Mr. Presley and seconded by Mr. Jensen. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.

The regular meeting of the Planning Board convened at 7:20 p.m.

A.     Minutes of the March 2, 1999 meeting were reviewed and approved as amended. Motion made by Mr. Magee to approve the minutes, seconded by Ms. Fitzpatrick. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.

B.     Old Business

    a.)    Subdivision

**Tobias Subdivision** - No new submissions

**Treichler Subdivision** - No new submissions

**Furterer Subdivision** - Survey map has been submitted. It appears to be an outdated survey;. The Code Enforcement Officer and/or the Town Clerk are to be notified that the survey does not include the correct subdivision name.

    b.)    Concept/Site Plan Review - None

c.) Special Use Permit

1. Barbara Lucas - Public Hearing above. A letter will be sent to Barbara Lucas notifying her that the Public Hearing was closed. A letter will also be sent to Attorney Flynn asking what the next step should be.

d.) ZBA Opinions - None

e.) Planning Issues

1. Sign Law(s) - to be discussed at work session.
2. Policy recommendations - to be discussed at work session. Where is the cut off for Site Plan Reviews? Bring ideas to the work session.

C. New Business

a.) Subdivision

1. Frank Bourke, **Application #99-005**, 145 E. 2nd Street, Corning, NY 14830, requesting that two land locked properties be created. Mr. Jack Allen represented the applicant. The Board agreed the applicant must indicate what prohibits him from complying with the 250 foot road frontage law. Board Members wish to visit the site and recommend a topographical map be submitted, showing that the terrain requires subdivision to be handled as submitted in regard to access to the proposed lots. The right of way must be clear.

The applicant is to be notified in writing what is requested by the Board as modifications to the sketch map, with a copy going to Mr. Allen, in care of Lucy Knapp Real Estate.

b.) Concept/Site Plan Review

1. Debbie Pierce - **Application #99-016** - proposing that in a pre-existing mobile home park, remove one 10' X 50' mobile home and replace it with two new 14' X 52' mobile homes. Code Enforcement Officer DeBuck has indicated in his report to the Board that the application meets code and the CEO has provided documentation (copy in Pierce file). Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Mr. Presley and seconded by Mr. Jensen. 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.

2. Brenda and Don Personius - **Application #99-015** - proposing a 24' X 15' addition to the house for use as home occupation floral shop, owner operated with no employees. Mr. Magee made a motion to table the application until the Board has been informed that a Use Variance application has been made. Seconded by Mr. Jensen. 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.
3. Sue T. King - **Application #99-019** - proposing to construct a two-story, one family dwelling, 32' X 34'. Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Mr. Magee, and seconded by Mr. Jensen. 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.
4. Raymond Putnam - **Application #99-021** - proposing to construct a 20' X 24' garage. Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Ms. Fitzpatrick, and seconded by Mr. Jensen. 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.
5. Judy Cagle - **Application #98-095** - Subdivision pending. Application is to place a 14' X 70' mobile home. Table until the subdivision is completed. Motion made by Mr. Magee and seconded by Ms. Fitzpatrick. 1. John Jensen, abstain; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.
6. Azhar Tahir - **Application #99-018** - Proposing addition to laundry room 8' X 16', entrance addition 12' X 24', carport 16' X 20'. Motion made by Mr. Presley to waive, and seconded by Mr. Magee. Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Mr. Magee, and seconded by Mr. Jensen. 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.

7. James and Carol Hallenbeck - **Application #99-020** - proposing to replace a storage building destroyed by fire in November 1998 with a new 16' X 20' storage building. Motion made by Mr. Presley to waive, and seconded by Mr. Jensen. Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board **waives** any further review of this Proposed Project/Land Use Change. Motion made by Mr. Magee, and seconded by Mr. Jensen. 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley, aye; 5. Bob Magee, aye.

c.) Special Use Permit - None

d.) ZBA Opinions

1. William Havens - **Application #99-004** - The Planning Board chooses not to enter any formal opinion in this matter.

e.) Planning Issues - none

Mr. Jensen entered into the minutes that at the last Board work session, an applicant came in and accused the Board of treating him unfairly for survey requirements. A letter is to be sent to Attorney Flynn requesting that he respond to the applicant.

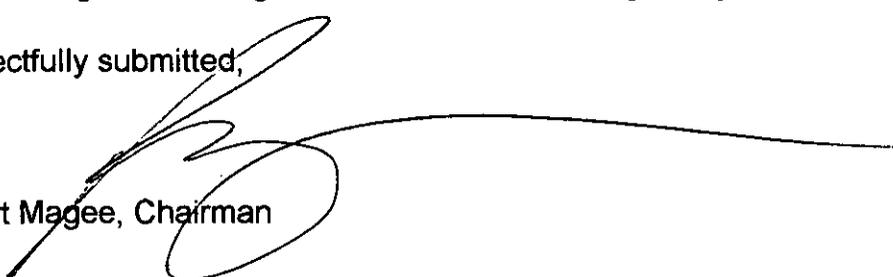
A letter is to be sent to County Clerk, Judith Hunter, requesting a discussion of subdivision requirements.

The Board is requesting by letter that Attorney Flynn respond in writing regarding the Barbara Lucas application and deed restriction questions.

A motion was made at 9:35 p.m. by Mr. Magee and seconded by Ms. Fitzpatrick to adjourn the meeting. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. James Presley; 5. Bob Magee, aye.

The next regular meeting is scheduled for **Tuesday, May 4, 1999** at 7:00 p.m.

Respectfully submitted,

  
Robert Magee, Chairman

Town of Urbana Planning Board

Minutes

March 2, 1999

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

Others Present: Mr. & Mrs. Dan Steinkohl, applicant  
Roberta Sparling, representing applicant  
Judith Cagle and Ramona Burlew, applicants

Chairman Magee opened the meeting at 7:07 p.m.

- A. Minutes of the February 2, 1999 meeting were reviewed and approved. Mr. Jensen suggested that items which should be detailed in the minutes will be noted by the Board members. Motion made by Betty Fitzpatrick to approve the minutes, seconded by John Jensen. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye.

At 7:15 p.m. Chairman Magee reconvened the Public Hearing for Special Use Permit; applicant Barbara Lucas was not present, but had contacted the Town Clerk and Mr. Magee to notify that her attorney is seeking ways to address the deed restriction, and requested the issue be postponed to the next meeting. The Recording Secretary will send a letter to Ms. Lucas informing her of the April 6, 1999 date for the next meeting.

The Public Hearing recessed at 7:18 p.m., to reconvene 4/6/99 at 7:00 p.m. Motion to recess by Betty Fitzpatrick, seconded by John Jensen. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye.

The regular meeting of the Board reconvened at 7:19 p.m.

B. Old Business

a.) Subdivision

**Kelly Subdivision** - Mr. Magee presented a copy of the letter he sent to Mr. Kelly, and Mr. Kelly's response. Mr. Magee asked members if there were any questions. Mr. Robinson asked how wide the east side right of way is. Ms. Sparling, present to represent Mr. Kelly, responded the right of way is 30 feet. Ms. Sparling submitted a response with specific reference to Section 93-28 of the Town of Urbana Code (copy attached). The original of this submission is to be filed by Ms. Sparling with the Town Clerk.

Mr. Magee asked for clarification of the abstract regarding the Lofgren Estate. Ms. Sparling itemized the transfers of deeds to clarify the abstract. Mr. Magee reported that all items requested by the Board have now been submitted. Ms. Sparling will be notified of the Board's decision.

**Tobias Subdivision** - Mr. Steinkohl was present. Mr. Magee asked Board members if they believed each subdivision should be surveyed, or surveyed as one. The consensus was that one survey would be easier to understand. The four (4) lots each need to be numbered, and Mr. Jensen suggested they be A1, A2, B1, and B2.

Mr. Steinkohl requested a waiver for the road frontage. The Board felt the overall density requested by the applicant was acceptable. A motion was made by Mr. Magee and seconded by Mr. Jensen to grant a waiver for the 250 foot road frontage required by 93-28 of the Town of Urbana Code.

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

Mr. Magee noted that the requirement for the width of the right of way to a landlocked parcel is 3 rods (50 ft.).

Subsequent annexation of two (2) lots will be a condition of final approval of the application. All questions from the Board have been address by Mr. Steinkohl. Mr. Magee will prepare a letter following this meeting to notify the applicant what is required in the final survey. The next public hearing will be scheduled after receipt of that survey.

**Treichler Subdivision** - nothing new to report.

**Furterer Subdivision** - Density is well above minimum required. All requirements are met except the road frontage. Motion made by John Jensen, seconded by Betty Fitzpatrick to accept the sketch plat as submitted and declare a Minor Subdivision. 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 Mr. Magee and seconded by Mr. Jensen to waive the 250 foot road frontage requirement, since the actual lot width is 364 feet. The lack of road frontage occurred when the Town abandoned a portion of Draper Road. the existing 170 foot road frontage is adequate. The lots meet density and setback requirements. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye. Ms. Furterer will be notified to proceed with final plat map.

b.) Concept/Site Plan Review - None

c.) Special Use Permit

1. Barbara Lucas - Public Hearing above. Mr. Magee will make a written request on behalf of the Board to Attorney Brian Flynn, asking why the Planning Board cannot issue a Special Use Permit when the deed is encumbered.

d.) ZBA Opinions - None

e.) Planning Issues

1. Sign Law(s) - to be discussed at work session.
2. Proactive Planning - The Board discussed the comprehensive plan.
3. Subdivision forms and procedures - presented by Code Enforcement Officer Dave Oliver, and accepted as presented.

C. New Business

a.) Subdivision

1. Judith Cagle and Ramona S. Burlew; **Application #99-002**, 8949 Telegraph Road, Savona, NY 14879, requesting a subdivision splitting land into two lots, one of 4.0 acres and one of 3.24 acres. A 14 X 70 mobile home is to be added on the 4 acre lot. There are 216 feet between the corner on Lockwood and the line of the subdivision. Frontage on Telegraph Road is 415 feet. There were no additional questions for the applicants. Motion made by Mr. Jensen and seconded by Ms. Fitzpatrick to declare this a Minor Subdivision and accept the sketch map. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye. The applicant will be notified in writing.

b.) Concept/Site Plan Review

**Yolanda Adrean** - Application #99-013 - Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board waives any further review of this proposed project.

**Drs. Holobinko and Mirza** - Application #99-007 - Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board waives any further review of this proposed project.

**Walter and Linda Carl** - Application #99-014 - Under the provisions of Section 88 of the Town Code, the Town of Urbana Planning Board waives any further review of this proposed project.

- c.) Special Use Permit - None
- d.) ZBA Opinions - None
- e.) Planning Issues

Mr. Robinson asked why the Planning Board receives some site plan review requests, and not others. What is the criteria? Mr. Magee will request, in writing, a response to this question from Attorney Flynn, Supervisor Gardner, and CEO DeBuck.

The Planning Board will write a policy on site plan review to submit as a recommendation to the Town Board. This will be discussed further at the March work session.

The Board reviewed the Zoning Laws (105.21 B.(1) Modification). This section of the law notes that the number of dwellings must not be more than if lots conform. Discussion ensued regarding the fact that undersized lots can be approved, but the number of dwellings must conform for total acreage, maintaining the density.

**Kelly Subdivision Findings:**

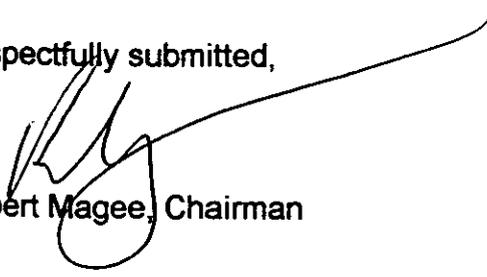
1. There exists a previous unrecorded subdivision.
2. Subdivision of this parcel will result in creation of three (3) nonconforming lots which fails to meet existing bulk regulations.
3. Access as described by applicant does not meet requirements of the Town Code.
4. No provision for compliance with minimum road frontage requirements.
5. The Board agrees with the applicant that the Board may waive certain requirements under 93-28, however Section 105-21 B:(1) limits the Board's ability to do so in this matter.

Motion made by Mr. Magee and seconded by Mr. Jensen; that based on the findings and discussion, the Kelly sketch plat does not adequately meet the requirements of the Town of Urbana Code and therefore must be disapproved. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye.

A motion was made at 9:35 p.m. by Mr. Magee and seconded by Ms. Fitzpatrick to adjourn the meeting. Roll Call Vote taken with response as follows: 1. John Jensen, aye; 2. Randy Robinson, aye; 3. Betty Fitzpatrick, aye; 4. Bob Magee, aye.

The next regular meeting is scheduled for **Tuesday, April 6, 1999** at 7:00 p.m.

Respectfully submitted,



Robert Magee, Chairman

Supplementing the typewritten responses previously delivered to the Town Clerk, and with specific reference to Section 93-28 of the Urbana Town Code, I will now respectfully request your consideration of the following:

FIRST: It would appear that in order for substantial justice to be done, while simultaneously serving the public interest herein, the Planning Board might well consider a Balancing Test. This would include balancing the benefit to the applicant against any detriment to the health, safety and welfare of the community.

A. In this regard it does not appear that the benefit to the applicant can be achieved by any other means feasible to him.

B. Furthermore, granting subdivision approval will not produce an undesirable change in this neighborhood's character nor adversely impact nearby properties and clearly will not have adverse physical or environmental effects.

SECOND: Pursuant to Section "C." this applicant seeks only the minimum variance necessary and realizes that the Planning Board may impose reasonable conditions in connection therewith.

DONALD E. KELLY

BY: Roberta L. Sparling  
ROBERTA L. SPARLING

**Town of Urbana Planning Board  
Minutes  
February 2, 1999**

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

**Others Present:** Barbara Lucas, applicant  
Max Tobias, applicant  
Dan Steinkohl, applicant  
Roberta Sparling, representing applicant  
Paul Wood, neighbor  
Geraldine Furterer, applicant  
Bill and Martha Treichler, applicants

Chairman Magee opened the meeting at 7:02 p.m.

- A. Minutes of the January 5, 1999 meeting were reviewed and approved as amended. Motion made by Randy Robinson to approve the minutes as amended, seconded by Jim Presley. 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.

The Board reviewed a letter from Code Enforcement Officer, Terry DeBuck.

At 7:15 p.m. Chairman Magee reconvened the Public Hearing for Special Use Permit; applicant Barbara Lucas reported that Mr. Dorsey, property owner, has retained Attorney Peter Baker to attempt to resolve the issue of the deed restriction. Ms. Lucas had no other submissions.

The Public Hearing recessed at 7:20 p.m. until 3/2/99 at 7:15 p.m., at which time further information should be available to the Board.

The regular meeting of the Board reconvened at 7:21 p.m.

**B. Old Business**

- a.) Subdivision - None
- b.) Concept/Site Plan Review - None
- c.) Special Use Permit
  - 1. Barbara Lucas - Public Hearing above.

d.) ZBA Opinions - None

e.) Planning Issues

1. Sign Law(s) - to be discussed at work session.
2. Proactive Planning - Meet with Town Board 2/23/99.

C. New Business

a.) Subdivision

1. Kelly Subdivision - Application #98-002A - Roberta Sparling presented a letter of authorization for her to represent Donald Kelly, applicant. The original of the letter is to be submitted for the Planning Board file. Ms. Sparling is secretary to Attorney Brian Flynn; Mr. Flynn is Attorney for the Planning Board, and Attorney for Mr. Kelly. Ms. Sparling reported she was representing Mr. Kelly as a friend, not as Mr. Flynn's secretary. Ms. Sparling presented an amended map, saying the assessor's map was incorrect. Copies were handed out to each member of the Board.

The original application of Mr. Kelly was dated 1/30/98 - Application #98-002. Since all the questions to the applicant from the Board were not answered, and upon review the Board discovered a third parcel that should be represented in his application. A new application was recommended and Application #98-002A was assigned.

Randy Robinson noted that the Code Enforcement Officer's report indicated two "nos" on the application, regarding Right of Way and Usage requirements (referring to the size of the lot(s)).

John Jensen asked for clarification of the right of way on the map, and Ms. Sparling gave an explanation.

Robert Magee indicated the problems of absence of road frontage; absence of legally documented access to parcels #2 and #3; lot sizes do not meet Town regulations. Mr. Magee also asked what date the double wide trailer was placed on the lot. Ms. Sparling responded that it was late 1984 or early 1985. The date of transfer to Mr. Kelly of August 1984, and transfer from Mr. Kelly to Cook of August 1987.

Questions to applicant: If the Subdivision is granted, how would parcel #2 and #3 be accessed? Ms. Sparling responded that access would be through the road that has been used along the stream for many years. How is the applicant going to deal with these obstacles, or how can the Board deal with these obstacles? Ms. Sparling responded that she could not answer those questions, but would take the questions back to Mr. Kelly. Mr. Magee agreed to put the questions in writing and get them to

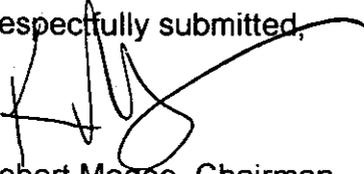
2. Geraldine Furterer - Application #98-085 - Preliminary Review of application for Minor Subdivision. Two lots under consideration, to be residential. The code requires 250 feet of road frontage. Parcel A is no problem. Parcel B looks as if it may possibly not meet the requirements. Ms. Furterer is requesting relief from the requirement, and was asked to petition the Board in writing to waive the 250 foot requirement, and to indicate the reasons relief is requested. Motion by Mr. Jensen and seconded by Mr. Presley to classify this as a Minor Subdivision. 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.
  3. Max Tobias & Dan Steinkohl - Application #98-091 - Preliminary Review of application for Minor Subdivision. Three lots under consideration. The Board recommended the applicant request in writing that the Board waive the road frontage requirement. Mr. Jensen noted that there are two separate deeds, and asked if it is two subdivisions. If the dimensions were changed slightly in the proposed subdivision, it would only require one subdivision rather than two. Applicant is to notify the Code Enforcement Officer of his decision.
  4. Bill & Martha Treichler - Application #99-01 - Preliminary Review of application for a Minor Subdivision. Two lots under consideration. The application was complete, and there were no questions from the Board. Applicant to receive a response in writing. Motion made by Mr. Magee and seconded by Mr. Presley to declare this a Minor Subdivision. 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.
- b.) Concept/Site Plan Review - None
  - c.) Special Use Permit - None
  - d.) ZBA Opinions
    1. Norman Hann - Application for Variance. Form to be sent by Recording Secretary to the Zoning Board of Appeals indicating the Planning Board chooses not to enter any formal opinion in this matter.
  - e.) Planning Issues - Discussion of training requirements.

A motion was made by John Jensen and seconded by Bob Magee to correct the files of the four applicants since they indicate in the letter from the Town Clerk that the applications have been reviewed and classified a Subdivision prior to the 2/2/99 meeting. This is incorrect. The Recording Secretary will notify the Town Clerk in writing to discontinue use of the form until such time as it is revised. 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 motion was made at 9:25 p.m. by Mr. Magee and seconded by Mr. Robinson to adjourn the meeting.

The next regular meeting is scheduled for **Tuesday, March 2, 1999** at 7:00 p.m.

Respectfully submitted,



Robert Magee, Chairman

**Town of Urbana Planning Board**  
**Minutes**  
**January 5, 1999**

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

Others Present:    None

Chairman Magee opened the meeting at 7:03 p.m.

- A.    Minutes of the December 22, 1998 meeting were reviewed. Motion made by Randy Robinson to approve the minutes as submitted, 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.
- B.    Old Business
- a.)    Subdivision
1.    Kelly Subdivision - The Code Enforcement Officer has received a new application. The old file is to be closed; a new file started under the new application number. A new deed was received from the County indicating the Town of Urbana does own the adjacent property in question.
2.    Easy Plus Subdivision - No new submissions. To be turned over to the Code Enforcement Officer to resolve, and to be removed from the Planning Board Agenda.
3.    Doyle Subdivision - No new submissions.
- b.)    Concept/Site Plan Review - None
- c.)    Special Use Permit
1.    Barbara Lucas - Ms. Lucas phoned Mr. Magee today (1/5/99) asking when she is scheduled to appear again. She indicated that she and Paul Wood, adjacent property owner, are negotiating in regard to the covenant in the existing deed.
- d.)    ZBA Opinions - None

e.) Planning Issues

1. Sign Law(s) - Discussion included a summary by Mr. Magee stating that the old sign law was not revoked when the new one was written. "Off premise directional signage" was added later. The two laws are in conflict, but read that the stricter law will apply. This issue will be addressed in 1999. Copies of the Sign Law(s) will be sent to the Planning Board Members in the next packet for review and will be clarified at a meeting in the near future. The projected deadline to have the Sign Law(s) ready to present to the Town Board is April 1, 1999.
2. Proactive Planning - The question was posed, "Does the Town want to pursue this?" Mr. Magee reported that he spoke with Mr. Gardiner from the Town Board but has not received a response yet. Mr. Magee will make the request in writing, proposing the plan be presented at the February Town Board meeting.

The Planning Board will continue to hold their regular meeting on the first Tuesday of each month in 1999, with meetings commencing at 7:00 p.m.. A second meeting will be held on the third Tuesday of each month and will be a work session only and will commence at 7:00 p.m. It is possible that a Public Hearing would be scheduled at this time, but will not be followed that evening by a regular meeting of the Planning Board.

c.) New Business

a.) Subdivision - None

b.) Concept/Site Plan Review

1. Site Plan Review Application #98-092 - Dan Steinkohl, 9199 Bully Hill Rd., Hammondsport, NY. Motion by James Presley to waive any further review based on Code Enforcement Officer's report, seconded by John Jensen, based on the assumption the existing non-conforming mobile home will be dealt with in a manner within the law. 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 - None

e.) Planning Issues

1999 Organizational Issues:

(1) Proactive Planning will be included in 1999. Mr. Magee reported that some funding is available if an outside consultant is needed to assist in the process.

(2) Ways to make the paperwork process and the meetings more efficient were discussed. Mr. Magee will draft policies and they will be voted on at the next regular meeting. These policies will include setting up a checklist which must be completed before an application is submitted to the Planning Board. Submissions must be received no less than ten (10) days prior to the regularly scheduled meeting and must be complete.

(3) Criteria will be set for Site Plan Reviews, to include only Special Use, Variance, Change of Use, Multiple Dwelling projects, Route 54, Commercial, and Industrial issues only, or if specifically requested by the public or the Code Enforcement Officer.

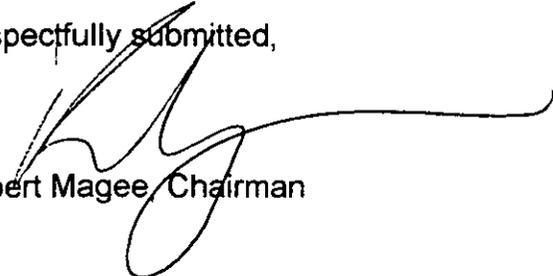
(4) Any questions to the Town Attorney will be in writing and will be tracked (via Planning Board Meeting Minutes) for written response.

(5) When the packets are mailed to Planning Board Members each month (at least one week in advance of the meeting) the packet will include an Agenda as well as copies of pertinent application and their attachments. The applicant will be notified by the Town Clerk that the meeting will be the Preliminary Hearing.

A motion was made at 9:10 p.m. by Mr. Presley and seconded by Mr. Robinson to adjourn the meeting.

The next regular meeting is scheduled for **Tuesday, February 2, 1999** at 7:00 p.m.

Respectfully submitted,

  
Robert Magee, Chairman