

Planning Board



2000



**Town of Urbana
Planning Board Minutes
December 5, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Jim Presley	Board Member
	Betty Fitzpatrick	Board Member
	Randy Robinson	Board Member
	Carly McConnell	Recording Secretary
Others Present	Marvin Rethmel	CEO
	Dave Oliver	CEO
Public Present	Leonard Wood	Robert Mori
	Sylvia Mori	James White
	Todd Craig	Paula Robinson
	Jennifer Spears	Judith Cagle
	Bill Reed	Don McIntire
	Donna McIntire	

Public Hearings: Called to order 7:01 PM.

Marc Rottman and Debbie Meritsky Special Use Permit Application #2000-030. Location of proposed property 8329 Old Bath Road, Hammondsport, New York. Owner of the property is Robert and Edna Dorsey of 601 Pennsylvania Ave NW, Bldg 406, Washington DC. The applicants are Marc Rottman and Debbie Meritsky of 1594 S. Taylor Rd., Cleveland Heights, Ohio. The proposed project is to turn the Octagon house into an owner occupied Bed and Breakfast within a 5 year plan. The property is currently zoned residential and current use is residential. Mr. Magee read into the minutes a letter of the legal notice of the public hearing that was placed in the Corning Leader. Adjoining property owners received notice of public hearing.

The Attorney of record is Bill Reed. Applicants were unable to attend the public hearing due to the weather. The Applicants phoned into the public hearing to answer questions from the Board or Public.

Questions/Concerns from Public:

Mr. McIntire hopes the Special Use Permit goes through. Mr. White said the applicants had a good definition of their plan and hope they stick to that plan. Mr. White also asked the applicants if they had any intention of expanding beyond a Bed and Breakfast. They said no.

Board Questions/Concerns:

Board had no questions.

Public Hearing: Closed 7:09PM

Public Hearing: Opened 7:10PM.

Mori Minor Subdivision Application # 2000-023. Location of proposed property is 9370 County Route 70 in Hammondsport, New York. Owners of the property are Robert and Sylvia Mori. The proposed project is to subdivide the total 33.8 acres into 3 lots of 1) 14.538 2) 18.08 3) .462 They will sell parcel 1, retain parcel 2 and transfer parcel 3. The application is complete. Mr. Magee read into the minutes a letter of the legal notice of public hearing that was placed in the Corning Leader. Adjoining property owners received notice of the public hearing.

Public Questions/Concerns:

Public had no questions.

Board Questions/Concerns:

Board had no questions.

Public Hearing: Closed 7:13PM

Public Hearing: Opened 7:14PM

Todd Craig Minor Subdivision Application #2000-008. Proposed property is located on VanAmburg Road, Hammondsport, New York. The owner of the property is Todd Craig of 5910 Strickler Road, Clearance, New York. The purpose of the project is to divide the 57 acres into 1) 28.52 2) 28.5 The purpose of the project for is for convince of both lots. Mr. Magee read into the minutes a letter of the legal notice of public hearing that was placed in the Corning Leader. Adjoining property owners received notice of the public hearing.

Mr. Craig brought in a copy of the paid taxes.

Public Questions/Concerns:

Public had no questions

Board Questions/Concerns

Board had no questions

Public Hearing closed 7:17PM.

Public Hearing: Opened 7:19PM

Paula Robinson Minor Subdivision Application # 2000-031. The proposed property is 8839 County Route 87, Hammondsport, New York. Owner of the property is the Estate of David L. Sick (deceased). The Executor is Paula Robinson of the same address. The proposed project is to divided the total parcel of 34.06 acres into 1) 25 2) 19.06. The current zoning is agriculture and use is agriculture with abandoned vineyards. The purpose is to settle the estate of David L. Sick. Mr. Magee read into the minutes a letter of the legal notice of public hearing that was placed in the Corning Leader. Adjoining property owners received notice of the public hearing. The property has a Town Road that has been abandoned. Mr. Magee read into the minutes a letter received by David

Buckley, Highway Superintendent regarding the usage of the road as a private road. The private road has met the requirement of the center line being a 50 foot right away. This needs to be shown on the survey.

Public Questions/Concerns:

Public had no questions

Board Questions/Concerns:

Randy asked if the right of way went all the way to Route 87. Paula said no.

Public Hearing closed 7:20PM

Public Hearing: Opened 7:22PM

Judith Cagle Subdivision Application #2000-032. Location of proposed property is 8949 Telegraph Rd., Hammondsport, New York. The owner of the property is Judith Cagle of the same address. Purpose of the project is to divide the 4.22 acres into 1) 2.22 2) 2. The applicant is going to sell 1 parcel and retain the other. Mr. Magee read into the minutes a letter of the legal notice of the public hearing that was placed in the Corning Leader. Adjoining property owners received notice of public hearing. The subdivision was missed on the tax rolls; but were paid by Ramona Burley.

Public Question/Concerns:

Public had no questions.

Board Questions/Concerns

Board had no questions.

Public Hearing closed 7:31PM

REGULAR MEETING: Opened 7:35PM

A. Pending Subdivision:

1. Wilbur Wheeler: Surveyor did not get the survey done in time for meeting.
2. Wilbur Earley: Waiting of Survey.
3. Mike Cook/Corner Stone: A violation was received. Mr. Magee is going to contact Terry Debuck and Attorney Flynn.
4. Claude Hughes: The Board received notification that the survey has not been completed.

B. Marc Rottman and Debbie Meritsky Special Use Permit Application # 2000-030. Mr. Magee explained that the law requires it be exercised within 6 months of being granted. Mr. Magee will contact Attorney Flynn to see if a Special Use Permit can be granted with contingencies; subject to exercising the Special Use Permit within 6 months of receiving the certificate of occupancy. Mr. Jensen suggested that it be granted based on completion of steps in the Site Plan Review.

- a. SEQR PART II-Completed for Rottman and Meritsky.

Upon review of the information recorded on the EAF (Parts 1, 2 and 3 if appropriate), and other supporting information and considering both the magnitude and importance of each impact, it is reasonably determined by the Planning Board that this Special Use Permit will not result in any large and important impact on the environment. I, Jim Presely make a motion that a negative Declaration be prepared. Seconded by John Jensen. Magee-aye, Presley-aye, Robinson-aye, Jensen-aye, Fitzpatrick-aye.

A negative declaration was prepared.

Findings:

Applications are complete
Positive support at Public Hearings
Meets Town Codes
No negative impact found in SEQR
Deed convenient mitigated per document in file
Permitted use in residential district.

Mrs. Fitzpatrick made a motion to approve findings and was seconded by Mr. Jensen.

It is the determination of the planning Board that the Special Use Permit application of Marc Rottman and Debbie Mertisky meets the requirements of the Special Use Permit law with compliance as to be granted status for approval or disapproval. I, John Jensen make a motion to approve the Marc Rottman and Debbie Mertisky Special Use Permit with the contingency that it is subject to the exercising the Special Use Permit within 6 months of receiving the Certificate of Occupancy and the project is to be completed within 5 years. I, John Jensen instruct the chairman to sign the survey. Mr. Presley seconded. Magee-aye, Presley-aye, Jensen-aye, Robinson-aye, Fitzpatrick-aye.

C. Mori Subdivision Application #2000-023

a. SEQR PART II-Completed for Robert and Salvia Mori

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

A negative declaration was prepared.

Findings:

Application Complete
Meet bulk requirements of Town and State
No negative comments at Public Hearing
No negative impact on SEQR
Small non-conforming parcel to be annexed to neighbor.

Mr. Magee made a motion to approve findings and was seconded by Randy Robinson.

It is the determination of the planning Board that the Minor Subdivision application of Robert and Sylvia Mori meets the requirements of the subdivision law with compliance as to be granted status for approval or disapproval. I, Betty Fitzpatrick make a motion to approve the Robert and Sylvia Mori Subdivision with the contingency that the non-conforming parcel be annexed to the neighbor. I, Betty Fitzpatrick instruct the chairman to sign the survey. Seconded by Mr. Robinson. Magee-aye, Presley-aye, Jensen-aye, Robinson-aye, Fitzpatrick-aye.

D. Paula Robinson Subdivision Application #2000-031.

a. SEQR PART II-Completed for Paula Sick

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

A negative declaration was prepared

Findings:

Application Complete

Meet bulk requirements of Town and State

No negative comments at Public Hearing

No negative impact on SEQR

Letter from the Superintendent of Highway, Dave Buckley-sufficient for intended use

Applicant has 50 foot roadway along the private roadway on the survey

Drive exceeds 250 foot minimum requirement

Mr. Presley made a motion to approve findings and was seconded by John Jensen.

It is the determination of the planning Board that the Minor Subdivision application of Paula Robinson meets the requirements 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 Paula Robinson Subdivision with the contingency that the deed and survey cover all right of ways. I, John Jensen instruct the chairman to sign the survey. Mrs. Fitzpatrick seconded. Magee-aye, Presley-aye, Jensen-aye, Robinson-aye, Fitzpatrick-aye.

E. Judith Cagle Subdivision Application #2000-032

a. SEQR PART II-Completed for Judith Cagle

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

motion that a negative Declaration be prepared. Seconded by John Jensen. Magee-aye, Presley-aye, Robinson-aye, Jensen-aye, Fitzpatrick-aye.

A negative Declaration was prepared

Findings:

Application Complete

Meet bulk requirements of Town and State

No negative comments at Public Hearing

No negative impact on SEQR

Mr. Jensen made a motion to approve findings and was seconded by Mr. Presley

It is the determination of the planning Board that the Minor Subdivision application of Judith Cagle meets the requirements of the subdivision law with compliance as to be granted status for approval or disapproval. I, Jim Presley make a motion to approve the Judith Cagle subdivision and instruct the chairman to sign the survey. John Jensen seconded. Magee-aye, Presley-aye, Jensen-aye, Robinson-aye, Fitzpatrick-aye.

F. Todd Craig Subdivision Application # 2000-008

a. SEQR PART II-Completed for Todd Craig

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

A negative declaration was prepared.

Findings:

Application Complete

Meet bulk requirements of Town and State

No negative comments at Public Hearing

No negative impact on SEQR

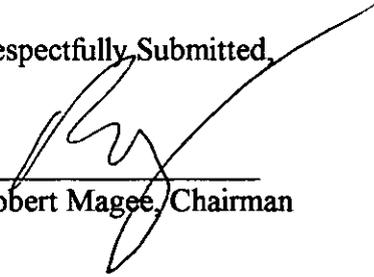
Mr. Jensen made a motion to approve findings and was seconded by Mr. Presley

It is the determination of the planning Board that the Minor Subdivision application of Todd Craig meets the requirements of the subdivision law with compliance as to be granted status for approval or disapproval. I, Jim Presley make a motion to approve the Todd Craig subdivision and instruct the chairman to sign the survey. John Jensen seconded. Magee-aye, Presley-aye, Jensen-aye, Robinson-aye, Fitzpatrick-aye.

Mr. Presley made a motion to adjourn the meeting. Mr. Magee seconded and the meeting was adjourned.

Meeting Adjourned 9:10PM

Respectfully Submitted,



Robert Magee, Chairman

**Town of Urbana
Planning Board Minutes
November 14, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Jim Presley	Board Member
	Betty Fitzpatrick	Board Member
	Carly McConnell	Recording Secretary
Others Present	Dave Oliver	CEO
Public Present	John McCarthy	Claude Hughes
	Durinda Hughes	Marc Rotman
	Debbie Meritsky	Judith Cagle
	Jennifer Spears	Michael Cook
	Charles M. French Jr.	Leonard Wood
	Marc Morrell	Attyn. Bill Reed
	Wilbur Early	

Public Hearing: Called to order 7:01 PM.

Mike Cook Minor Subdivision Application # 2000-020. Location of proposed property is 8333 Evertt Road Hammondsport, New York. The owner of the property is Mr. Mike Cook of 7578 Hardscrabble Road, Addison, New York. The proposed project is to divide the total 8.02 acre parcel of land to 1) 1.779 acre parcel to be annexed to lands of Frank Adams Sr. 2) 4.736 acre parcel to be annexed to a 0.0918 acre parcel to Mr. Withie. 3) 1.0610 parcel to be annexed to lands of Charles and Linda French. Mr. Magee read into minutes the Legal notice of Public Hearing posted in the Corning Leader. Property owners have been notified.

Board Questions/Concerns:

Jim Presley noted that the survey says conveying and annexing the parcels. Lots are currently non conforming, but would be conforming with the annexing of the lots. Concession will be need to be put on with the granting of the subdivision.

Jim Presley made a motion to declare this a minor subdivision. It was seconded by Betty and all was in favor.

Public Hearing Closed at 7:15pm

Regular Meeting: Opened 7:16pm

A. Marc Rotman and Debbie Meritsky Special Use Permit Application # 2000-030. Location of proposed property is 8329 Old Bath Road, Hammondsport, New York. Owner of the property is Robert and Edna Dorsey of 601 Pennsylvania Ave NW, Bldg 406, Washington DC. The applicants are Marc Rotman and Debbie Meritsky of 1594 S. Taylor Rd., Cleveland Heights Ohio. The proposed project is the turn the octagon house into an owner occupied Bed and Breakfast. The property is currently zoned residential and current use is residential.

Mr. Rotman stated that they are looking to restore the home and add a maximum of 7 parking spaces. Debbie Meritsky asked the Board for an extension of the Special Use Permit; because their project plan is going to take approximately 5 years to complete. Mr. Rotman said that they plan on doing most of the work on their own and the site plan review has the construction plan broke down year by year. Mr. Magee pointed out that Marvin Rethmel, CEO stated that the Special Use Permit must be used with in 6 months. The Board is going to advise the Town Board to take this issue into consideration; when they make any changes to Town Code. John suggested consulting with Attorney Flynn, to see if a Special User Permit is granted that contingencies could be placed on it stating that when a number of steps have been completed the Special Use Permit could be given out.

The deed currently has restrictions placed on it by Mr. Paul Wood. A letter has been placed in the file from Mr. Wood indicating that he had no objections to the Bed & Breakfast.

They applicants are in the process of purchasing the property and does not want to continue on with the buying process if the Special Use Permit is not granted.

Public Hearing will be set for December 5 for Site Plan Review and Special Use Permit.

B. Paul Robinson Subdivision Application #2000-031. The proposed property is 8839 County Route 87, Hammondsport, New York. The owner of the property is the Estate of David L. Sick (deceased). The applicant is Paula Robinson the Executor or 8839 County Route 78, Hammondsport, New York. The proposed project is to divide parcel of 34.06 acres into 1) 15 acres 2) 19.06 acres. The current zoning is agriculture and use is agriculture and abandoned vineyards.

An abandoned road is located between lots 1 and 2 and is privately maintained. Mr. Magee stated that the land does not abut another roadway. According the law, frontage can be from a private road that meets the specifications. Mr. Magee will supply Paula with the Specifications and have Dave Buckley, Highway Superintendent look at the road and respond in writting.

Paul Robinson has supplied a copy of Dave Sick's Will showing the right away. Mr. Magee says the survey that was done in 1986 shows a 16 to 20 foot roadway. Paula needs to ask the surveyor for 5 copies of the survey with a drawing showing the roadways has a 50 foot right away.

Jim made motion to declare a minor subdivision and was seconded by Betty Fitzpatrick. All were in favor.

When a corrected survey and positive feedback from Dave Buckley then a Public Hearing can be set.

C. Judith Cagle Subdivision Application # 2000-032. Location of proposed property is 8949 Telegraph Rd., Hammondsport, New York. The owner of the property is Judith Cagle of the same address. Purpose of the project is to divide the 4.22 acres into 1) 2.22 acres 2) 2 acres. Mr. Magee said old survey can be used, it just needs to be updated and show subdivision.

John made a motion to declare a minor subdivision. It was seconded by Bob Magee and all were in favor.

When file is complete a Public Hearing can be set.

D. Wilbur B. Wheeler Subdivision Application #2000-029. The location of proposed property is 8085 Winding Stairs, Hammondsport, New York. The owner is Wilbur Wheeler of Box 461, Hammondsport, New York. The proposed project is to divide the 345 acres into 1) 165 acres 2) 140 acres 3) 40 acres. It is currently zoned as agricultural and its current use is residential and vacant farmland. Dave Oliver, CEO said that the town has a right of way on this property. The Board has asked that a copy of the information be sent to Mr. Wilbur and Paul Wood.

Jim Presley made a motion to declare a minor subdivision. It was seconded by Randy Robinson and all were in favor.

When file is complete a Public Hearing can be set.

E. Wilbur Earley Subdivision Application #2000-028. The location of proposed property is 381 East Lake Rd., Hammondsport, New York. The owner is Wilbur and Ann Earley of 377 East Lake Rd., Hammondsport, New York. The purpose of the project is to divide the 2+ acres into 1) 3/4 acres 2) 1 3/4 acres. Current zoning is residential (Keuka Lake Shoreline Subclassification) and current use is residential. Road frontage will be met on Route 54 and the square footage will be met.

Jim Presley made a motion to declare this a minor subdivision. It was seconded by John and all were in favor.

E. Cornerstone Fund Subdivision Application #2000-027. The proposed property is 8676 Lockwood Rd., Hammondsport, New York. The Owner of the property is Cornerstone Fund, Po Box 822, Bath, New York. The applicant is Mike Cook from Cornerstone Funding. The proposed project is to divide the total 76.509 acres into 1) 20+ acres 2) 2+ acres 3) 30+ acres 4) 5 acres 5) 20+ acres. The 76.509 acres is currently on one deed. The total acres are going to be divided into 4 acres and 1 acre to be annexed to another lot. This application needs to be split into 2 applications for Subdivisions. Subdivision 1-Hueunman and Subdivision 2-Bailey. The Planning Board made waived any further sketch plan review upon ok from CEO.

Jim Presley made a motion to declare Subdivision 1 and Subdivision 2 minor subdivisions. John Jensen seconded all were in favor.

F. Claude Hughes Subdivision Application #2000-020. Location of proposed property is 8651 Res. Rd. in Hammondsport, New York. Owners of the property Claude and Durinda Hughes. Original application had the owners dividing the total 120 acres into 3 parcels and now they would like to divide into only 2 parcels. The survey will need to be done to reflect the sketch plan drawing.

John Jensen made a motion to declare a minor subdivision with 2 parcels based upon change to application. Jim Presley seconded and were in favor.

F. Rolland/Smolos Subdivision Application # 2000-026. The location of property is Longwell Cross Rd in Hammondsport, New York. The owners of the property are Roy and Kay Rolland of 131 Cody Drive, Thurmont, Maryland. The proposed project is

to divide the total 106.27 acres into 3 parcels of 1.) 16.5 2.) 11.483 3.) 78.291. Current land use residential and agricultural. The property is zoned agricultural. Attorney John McCarthy is the attorney handling the subdivision. Kathy Harter, Town Assessor contacted the Board with regarding ongoing subdivisions and were not contacted recorded on land contract dates. Mr. Magee stated that the County does not consider a transfer of land until last payment is paid. Mr. McCarthy stated that the land contracts were sold back in the 70's. Mr. Magee stated that the Subdivision Laws went into effect December 30, 1985. If any of these parcels were recorded and filed after this date, then they should be subject to the Subdivision Laws. Mr. Magee said the Board need to consult with the attorney on this issue. and will request an answer back by December 5, 2000.

Correspondence:

A. Mark Morell - Mr. Magee response to Mr. Morrell's letter (attached to minutes); who was present. Mr. Magee spoke to Attorney Harry Willis at the New York Planning Federation Conference. Attorney Willis requested the information regarding this issue and the file to him. He will responded with some answers by the end of the year.

ZBA Opinion:

B. James George - Set back Variance on property 7353 Brewer Rd., Bath, New York. Jim Presley made a motion, that the Board did not have enough information to form an opinion. Randy Robinson seconded and all were in favor.

Old Business:

A. Dr. Bourke - Maintenance agreement is acceptable and will be addressed November 21, 2000 by the Town Board. Road construction, maintenance agreement and the bond needs to be approved by the Town Board. An amendment has been made for an increase in the bond. Conditions for the approval of the subdivision will require lot 2 to have 250 feet of road frontage.

a. SEQR PART II - Completed for Dr. Bourke.

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

A negative declaration was prepared.

It is the determination of the Planning Board that the Minor Subdivision application of Dr. Bourke meets the requirements 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 Dr. Bourke Subdivision as submitted and under the conditions that the maintenance agreement, road construction and bond get approved by the Town Board and that both lots have 250 feet of road frontage. Randy Robinson seconded. Magee-aye, Presley-aye, Jensen-aye, Robinson-aye, Fitzpatrick-aye.

B. Mike Cook Subdivision Application # 2000-020

a. SEQR PART II - Completed for Mike Cook.

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

A negative declaration was prepared.

Findings:

No negative environment impact
No negative concerns
Application complete and in order
Meets Minor Subdivision Requirements
Meets requirements of State and Local Laws
No negative commentary at Public Hearing

John made a motion to approve findings and was seconded by Betty Fitzpatrick.

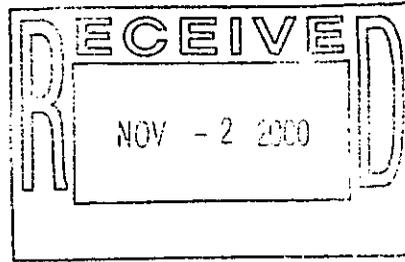
It is the determination of the Planning Board that the Minor Subdivision application of Mike Cook meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. I, John Jensen make a motion to approve the Mike Cook Subdivision as submitted, and instruct the Chairman to sign the survey. Bob Magee seconded. Magee-aye, Jensen-aye, Robinson-aye, Presely-aye, Fitzpatrick-aye.

Randy Robinson made a motion to adjourn the meeting. Bob Magee seconded and all was in favor.

Meeting Adjourned 10:05 PM.

Respectfully Submitted,

Robert Magee, Chairman



November 2, 2000

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

Dear Board Members:

On January 24, 2000, I submitted an application for a subdivision of my property at 182 East Lake Road to the CEO Mr. Oliver and the only response I have received to date is a letter asking me to explain why I have no deed restrictions on my deed and why my survey map is all in one parcel.

I purchased this property from Ms. Scutt with no deed restrictions and with only one deed. I ask you as the Town Planning Board to please resolve the issue of deed restrictions on my property for Mr. Oliver so I can move forward with my subdivision.

Thank you for your anticipated attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Morrell".

Mark Morrell
396 May Street
Bath, New York 14810
776-4586

**Town of Urbana
Planning Board Minutes
October 31, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Jim Presley	Board Member
	Betty Fitzpatrick	Board Member
	Randy Robinson	Board Member
	Brian Flynn	Attorney
	Carly McConnell	Recording Secretary
Others Present	Dick Gardiner	Town Supervisor
Public Present	Michael Vangelder	
	Matt Tobias	
	Max Tobias	

Public Hearing: Reconvened at 7:10 PM.

Crown Atlantic Special Use Permit Application # 2000-05. Location of proposed project is Greyton H. Taylor Memorial Drive in Hammondsport, New York. The owner of the property is Lillian Taylor at 8843 Greyton H. Taylor Memorial Drive in Hammondsport. The application is prepared by Nixxon Peabody LLP, Clinton Square, PO Box 31052, Rochester, New York. The land is going to be leased by Crown Atlantic Company LLC. The proposed project is to construct a guided cellular tower to transmit digital cell phones. Attorney Flynn received a call from Bob Brigdorf of Nixxon Peabody LLP that they were unable to attend tonight's meeting and that they were still looking into alternative sites. From the conversation Attorney Flynn believes they are still looking into other sites and that they company is overly committed for this year.

Mr. Magee learned at the Planning Board Conference that a Board must consider view corridor in the SEQR Process. Mr. Magee informed the Board and Public that Mr. Harry Willis will be putting on a meeting at the County Public Safety Building regarding Cell Tower Applications. Mr. Magee asked the neighbors that if they place the tower in a more southwest locations; if it would have less of an impact on them. Matt and Max Tobias said that would be acceptable to them. Mr. Magee has also talked to Lillian Taylor, who stated as of today she has not been contacted regarding the new site. The CEO will be asked to contact the Mr. Burgdorf to see if they are going to rescind their application.

Jim Presley made a motion to close the public Hearing and it was seconded by Randy. Public Hearing Closed 7:30pm.

Public Hearing: Reconvened 7:32pm

Hough Site Plan Review Application # 2000-070. Location of proposed property is Route 54 in Hammondsport, New York. Owner of the property is Lin Hough of 6499

Burton St., Bath, New York. The proposed project is to construct a 42 x 100 concrete and steel mini storage building. Mr. Lynn Hough (applicant) was not in attendance.

Mr. Magee updated the Board on his conversation with Tom Person, NYS DEC Region 8 Water Engineer. Mr. Magee summarized what Mr. Person said as follows; salt sites are handled on a case by case basis. Runoff will not be an issue with DEC, ground water is a problem. Construction or encapsulation does not solve the problem, it simply extends the time that it takes to eliminate the symptoms. Mr. Person was quoted as saying "You can't just leave it there." The general procedure for salt sites:

1. Evaluate site (Backhoe and examine soil)
2. Mitigate - New water supply and new salt storage site.
3. Redemption- Removal is a method (can be used as road fill)

Mr. Gardiner stated that Steuben County maybe willing to move the building and has no problem with resoiling. The county will supply the digging equipment and the dig for no cost.

Jim Preslely made a motion to close the public hearing and it was seconded by Betty Fitzpatrick. All in favor.

Public Hearing Closed 7:50pm

The Board will have a work session/special meeting on November 7, 2000 at Clark Specialty Company's Board Room.

Randy Robinson made a motion to close the meeting and Bob Magee seconded. Meeting was adjourned 8pm.

Respectfully Submitted,

Robert Magee, Chariman

Town of Urbana

41 Lake Street

Hammondsport, NY 14840

Town Clerk (607) 569-3743

Code Enforcement Officer(607) 569-3707

October 31, 2000

Mr. Thomas Pearson
NYSDEC Region 8
6274 E Avon-Lima Road
Avon NY 14414-9519

Dear Tom,

I have compiled my notes from our telephone conversation and itemized your recommendations as follows:

- | | |
|-----------------|--|
| Site Evaluation | Determine the depth of salt infiltration into the soil.
Test neighboring wells to determine extent of aquifer infiltration. |
| Mitigation | Relocation of road salt storage to to proper storage facility*
Supply Public water to affected wells |
| Remediation | Remove contaminated soils to a secure landfill and regrade** |

* A NYS approved salt storage facility went into service in 1997

** Remove soils could be used in conjunction with current road reconstruction, providing that it was mixed with other fill materials and disburse over the length of the roadway.

Please let me know whether this is an accurate summation of our conversation. If not, please advise as to any correction. Thank you for your attention and advice in this matter.

Respectfully,

Robert Magee, Chairman
Town of Urbana Planning Board
Lake and Main
Hammondsport NY 14840

Town of Urbana

41 Lake Street
Hammondsport, NY 14840

Town Clerk (607) 569-3743

Code Enforcement Officer(607) 569-3707

October 31, 2000

Mr. Thomas Pearson
NYSDEC Region 8
6274 E Avon-Lima Road
Avon NY 14414-9519

Dear Tom,

I have compiled my notes from our telephone conversation and itemized your recommendations as follows:

Site Evaluation Determine the depth of salt infiltration into the soil.
Test neighboring wells to determine extent of aquifer infiltration.

Mitigation Relocation of road salt storage to to proper storage facility*
Supply Public water to affected wells

Remediation Remove contaminated soils to a secure landfill and regrade**

* A NYS approved salt storage facility went into service in 1997

** Remove soils could be used in conjunction with current road reconstruction, providing that it was mixed with other fill materials and disburse over the length of the roadway.

Please let me know whether this is an accurate summation of our conversation. If not, please advise as to any correction. Thank you for your attention and advice in this matter.

Respectfully,

Robert Magee, Chairman
Town of Urbana Planning Board
Lake and Main
Hammondsport NY 14840

New York State Department of Environmental Conservation**Division of Water, Region 8**

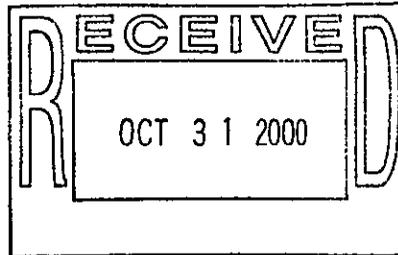
6274 East Avon-Lima Road, Avon, New York 14414-9519

Phone: (716) 226-5445 • FAX: (716) 226-8078

Website: www.dec.state.ny.us



Robert McGee, Chairman
Town of Urbanna Planning Board
Lake and Main
Hammondsport, NY 14840



Dear Mr. McGee,

The summary of your notes of our phone conversation are accurate, with one correction:

Determining the depth of infiltration of salt into the soil does not always require the installation of wells. Simple excavation with a backhoe will show white deposits to the depth of gross contamination. This is generally more accurate than improperly installed monitoring wells which could miss contamination all together.

The site will naturally remediate itself now that the salt piles have been removed. As long as public water will be supplied to the affected homeowners and any gross residual contamination is properly taken care of, the immediate problem should be considered resolved.

Sincerely,


Thomas W. Pearson, PE
Regional Water Engineer



**Town of Urbana
Planning Board Minutes
October 3, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Jim Presley	Board Member
	Betty Fitzpatrick	Board Member
	Brian Flynn	Attorney
	Carly McConnell	Recording Secretary
Others Present	Marvin Rethmel	CEO
Public Present	Michael Vangelder	Sparky Campbell
	Peter Berie	Bob Brigdorf
	Jered Fletcher	Matt Palras
	V. Spagnoletti	John McCarthy
	Fred Vanfleet	James Vanfleet
	Max Tobias	Matt Tobias

Public Hearings: Called to order 7:09 PM.

Hough Site Plan Review Application # 2000-070. Location of proposed property is Route 54 in Hammondsport, New York. Owner of the property is Lin Hough of 6499 Burton St., Bath, New York. The proposed project is to construct a 42 x 100 concrete and steel mini storage building. Mr. Magee read into minutes a letter that was received by the Board from Mr. Lin Hough regarding his objectives of the property. Mr. Magee also read into the minutes the legal notice of Public Hearing that was placed in the Corning Leader. Adjoining property owners received notice of Public Hearing.

Questions/Concerns from Public:

Mr. Mike Vangelder a property owner across the street from the proposed project; can not see any problem with the building and/or the size. He does have a concern regarding the old salt storage facility that was once there. A test was done on the residential land from Sears Brown Corporation; that was requested by Mr. Spagnoletti's office (Steuben County Department of Public Works). A remedy to the situation has been offered and the project will take place sometime in the spring. Mr. Magee read into the minutes the report from Sears Brown Corporation that was forwarded to Mr. Spagnoletti.

Mr. Spagnoletti commented on others tests that have been done to determine the levels in Cold Brook and found no elevated levels. Both ends of the pipe that crosses Route 54, had elevated levels of salt. Three wells in Hammondsport have been affected. The county and town both used that property to store salt. Mr. Magee asked Mr. Spagnoletti if any other salt storage facilities in the county had similar problems. Mr. Spagnoletti stated that homes in the Wayne, Pultney and Prattsburg areas have seen elevated levels in the water. Mr. Magee asked what steps were taken in these areas to remedy the problem. Mr. Spagnoletti stated that in Prattsburg and Wayne new water wells have been drilled. In

Pultney they are still deciding on what to do and are working with the town to get everyone fresh water.

Board Questions/Concerns:

John Jensen questioned what effect if any would building on this site have to do with the situation of the elevated salt levels.

Mr. Hough stated that he does not have to build here. He has talked to engineers and has been told that there is nothing he can do and nature will take it's course. He will go else where and leave the property the way it is and not build. He feels that everyone knew this was an issue and feels it should have been addressed before this.

Attorney Flynn suggested that with the general and specific questions in front of the board that the public hearing be recessed until a further date. To give the Board a chance to talk to State Authorities and to get answers or places to go to find the answers.

Public Hearing: Recessed until October 31, 2000 at 7:00PM

Crown Atlantic Special Use Permit Application # 2000-25. Location of proposed project is Greyton H. Taylor Memorial Drive in Hammondsport, New York. The owner of the property is Lillian Taylor at 8843 Greyton H. Taylor Memorial Drive in Hammondsport. The application is prepared by Nixxon Peabody LLP, Clinton Square, PO Box 31052, Rochester, New York. The land is going to be leased by Crown Atlantic Company LLC. The proposed project is to construct a guided cellular tower to transmit frequencies for digital cell phones. Mr. Magee read into minutes the notice of Public Hearing posted in the Corning Leader. Property owners have been notified. A lease agreement drawn up by Nixxon Peabody LLP, dated August 25, 2000 was received.

Robert Burgdorf of Nixxon Peabody LLP, reviewed the site specifics of the project. Stating it would be a guide tower with open lattice work. The base has a equipment building that would be unmanned with no water or sewer. Electric and phone will be installed at the building. The building and guided wires will be surround by 6 foot chain link fences.

Public Questions/Concerns:

Max Tobias an adjoining land owner had the following questions:

1. How many towers do you have with houses around them?
2. Does cellular cause any health problems?
3. Do the towers attract lightning?
4. Will radio or television be effected by the tower?
5. Will the tower have strobe lights on it?
6. Is any other site being considered for the project?
7. Can you use someone else tower?
8. Has an environmental test been done?
9. Major concern is the appearance.

Mr. Robert Burkdorf responded the following way:

1. Towers are located in many locations. A lot of them are located in residential areas.
2. No, and technical information regarding this has been provided to the board. It is on the same frequencies as UHF television broadcasting. It is on the B band from 880 to 890 megahertz, which is similar to phone, radio and television.
3. The tower does attract the lighting, but it is grounded. The tower draws it in.
4. No, it is protected by the FCC.
5. The tower will have slow pulsing red lights at night; that are approximately a 40 watt bulb. The FAA could require a strobe light.
6. Engineers tested the area and found no towers in the search area. They approached the landowner and Lillian told them where the site would be.
7. No, because no other towers are in the area.
8. Yes, as part of Crown Atlantic internal process.

Matt Tobias an adjoining land owner believes that it does not have to be in someone's backyard; when other areas in this area had towers on it. He can understand why she did not want it in her own backyard; that is why they live in the country.

Board Questions/Concerns:

Attorney Flynn questioned if there was a significant gap in service. Robert Burkdorf stated that for data service you can not have any gapping. This area has a big gap and needs to have the service.

Board Member Jim Presley is an adjoining landowner to the property owner, but not to the proposed project site. Jim raised the questions as to the possible use of the old radio station site.

The Board will recessed the Public Hearing, to give the applicant time to explore the possible site. If for any reason they would not be in any position to make the meeting; they would need to notify the Town Clerk in writing to recess for a later date.

Public Hearing: Recessed until October 31, 2000 at 7:00PM

REGULAR MEETING OPENED:

- a. Minutes were reviewed from September 5, 200. Jim Presley made a motion to ~~accept~~ as amended. John Jensen seconded. Minutes approved.
- b. Minutes were reviewed from September 19, 2000. Jim Presley mad a motion to ~~accept~~ as amended. Betty Fitzpatrick seconded. Minutes approved.

B. OLD BUSINESS:

- A. Craig: Craig asked for an extension. He is approaching the 180 days for the completed survey. Mr. Magee made a motion to grant him a 90 day extension. John Jensen seconded. Magee-aye, Jensen-aye, Presley-aye, Fitzpatrick-aye.
- B. Bourke Update: Mr. Magee has given Dick Gardner a copy of the Bond, because the Town Board is who makes the decision on the Bond. Attorney Flynn is in possession of the original Bond. David Buckley has responded verbally and has been unable to respond in writing. Attorney Flynn believes the Board should have a formalized document from the contractor regarding the construction of the road. The maintenance agreement is unacceptable. The agreement does not state who is going to do what. Mr. Magee is going to contact Dr. Bourke by writing to clarify the road requirements, and to have his lawyer contact Attorney Flynn regarding the road, bond and maintenance agreement. The town need to have more specifications from the contractor on the road. Mr. Magee stated that no certificate of occupancy is going to be issued until road is developed and completed with in one year.
- C. Scutt Subdivision: Bob Magee has meet with Judy Hunter at County Clerk's Office regarding the issue of applicant not meeting the conditions on a subdivision that is granted. He does plan to have another meeting with her. Bob has also been in contact with the Attorney for the Department of State, Mr. Harry Willis. Mr. Willis is aware of the questions, but has been unable to get back to Mr. Magee. Mr. Presley asked Attorney Flynn for his position on this situation. Attorney Flynn responded by saying that the Board should let it sit right now, as long as the CEO is keeping it on status. Attorney Flynn also, stated that Mr. Morrell can not do anything with the land. Attorney Flynn stated that the Board should let Dave Oliver handle it his own way. The state recommends a hearing for rescinding the subdivision. Attorney Flynn stated he has seen the deed and they are not in there. Mr. Campbell asked the Board, if the law stated that when this situation happens that the subdivision be throwout. Mr. Magee stated that Attorney Flynn has not shared his opinion with the board, therefore leaving them in the dark. Mr. Magee also said that the Board previously voted to take whatever steps needed to rescind the subdivision and if the Board has the power to rescind then it will move them, so it can move forward. Mr. Magee will keep looking into how to handle this situation. Mr. Jensen believes that until the Board gets different council from Attorney Flynn; the Board should not go forward. Mrs. Fitzpatrick would like to get more information on this situation for this case and any in the future. Mr. Magee suggested to set a side the deed to enforce Scutts to adhere to conditions. Mr. Magee feels that the Board is going no where with this case. Mr. Campbell stated 1995 subdivision was never filed and the 1989 was filed 3 months late and the restrictions were filed. Mr. Campbell would like some more concrete information and action taken on this case. Attorney Flynn stated recommends an acknowledgement claim to be place on the subdivision with constituencies. Attorney Flynn stated his advise is trying to protect the best interest of the town in this case.
- D. Mori: Survey is completed.

- E. Hughes: Nothing done on requirements made from the Board.
- F. Concept/Site Plan Review Ronald Smith: Mr. Smith started to build a walk in cooler over an existing well. Terry Debusk placed a stop work order on him and sent Mr. Smith's plans to the Health Department. The Health Department responded by saying he could not do the addition according to his plan. Mr. Magee made a motion to acknowledge change, but not to have a site plan review due to the change not significant to warrant the review. John Jensen seconded and all was in favor.
- G. Mr. Jensen inquired as to see if the Board has gotten any response for the July letter that was forwarded to them regarding the 99 supplement to Comprehensive Plan. At this time the Board has not had any response.

NEW BUSINESS:

- A. Rolland/Smolos Subdivision Application # 2000-026. The location of property is Longwell Cross Rd in Hammondsport, New York. The owners of the property are Roy and Kay Rolland of 131 Cody Drive, Thurmont, Maryland. The proposed project is to divide the total 106.27 acres into 3 parcels of 1.) 16.5 2.) 11.483 3.) 78.291. Current land use residential and agricultural. The property is zoned agricultural. Attorney John McCarthy is the attorney handling the subdivision. John Jensen made a motion to declare a minor subdivision and was seconded by Betty Fitzpatrick. Magee-aye, Fitzpatrick-aye, Jensen-aye. The Board advised Attorney McCarthy to obtain the application for minor subdivision and provide the Board with the a letter of attorney of record. Attorney McCarthy was also advised that if the application was completed 10 days prior to October 31; a public hearing could be set for this date.

Bob Magee made a motion to adjourn the meeting. John Jensen seconded and all was in favor.

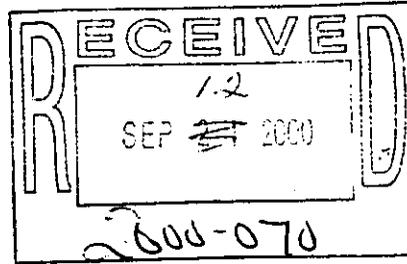
Meeting Adjourned 10:00 PM.

Respectfully Submitted,

Robert Magee, Chairman

85 Metro Park
 Rochester NY 14623-2674
 716 475.1440 phone
 716.272.1814 fax
 www.searbrown.com

SEAR-BROWN



June 13, 2000

Vince Spagnoletti, Commissioner
 Steuben County Department of Public Works
 3 East Pulteney Square
 Bath, NY 14810

RE: No. 37876 - Water Quality Evaluation

16683

Dear Mr. Spagnoletti,

As requested by Steuben County, we have prepared the following summary of findings to assist Steuben County with the evaluation of water quality from two individual (residential) water supplies located in the Village of Hammondsport, Town of Urbana. Both residential supplies for 8211 Winding Stair Road and 8094 Back Valley Road are located at 8094 Back Valley Road.

The Sear-Brown Group (SBG) collected samples in the morning on June 9, 2000 in the presence of the homeowners and Steve Catherman from the Steuben County Department of Public Works. The grab samples were taken from water fixtures inside the homes. Neither residence has a water treatment system, so these samples are likely to represent water quality conditions at the well heads. Samples were submitted to Life Science Laboratories, Inc. (LSL), a New York State Department of Health certified laboratory, for analysis.

LSL completed analysis on June 14, 2000 for sodium, chloride, bromide and alkalinity. These analytes were selected by Sear-Brown because they can facilitate discrimination of impacts from road salt, naturally occurring brine, and septic systems / landfill leachate.

The water quality signature of dissolved road salt is a chloride to bromide ratio of greater than 3000 with a low alkalinity (less than 500 mg/L). In contrast, naturally occurring brines found in association with methane gas exhibit a chloride to bromide ratio in the range of 100-150 mg/L and also exhibit a low alkalinity.

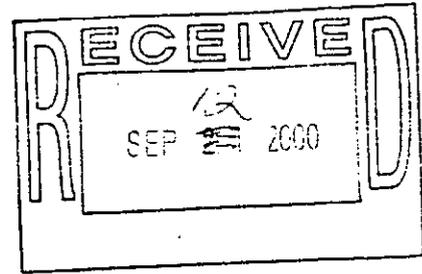
Septic systems may impact an elevated alkalinity to groundwaters in association with elevated salinity. Similarly, landfill leachate imparts a high alkalinity (often greater than 1000 mg/L) and chloride to bromide ratios varying widely between roughly 80-3000, depending upon composition of the waste stream.

The analytical results available for the two impacted wells are summarized in Table 1. A previous analysis took place in September of 1997 and February of this year, by GHM Environmental. These test results were provided by the Steuben County Department of Public Works and are also included in Table 1.

Table 1

Sample Date	8211 Winding Stair Road			8094 Back Valley Road	
	9/19/97	2/22/00	6/9/00	2/22/00	6/9/00
Sodium (mg/L)	427	696	490	820	470
Chloride (mg/L)		1350	610	2040	980
Bromide (mg/L)		0.39	0.15	0.45	0.16
Alkalinity (mg/L as CaCO ₃)			150		150
Chloride/Bromide Ratio		3462	4067	4533	6125

*MAN. CEO
 9-11-00*

SEAR-BROWN

Vince Spagnoletti, Commissioner
June 2, 2000
Page 2 of 2

Neither the Environmental Protection Agency (EPA) nor New York State set a maximum contaminant level for sodium. For healthy persons, the sodium content of water is unimportant, because the sodium intake from table salt is much greater; but for persons placed on a low-sodium diet because of heart, kidney, or circulatory ailments, or complications of pregnancy, sodium can be a factor. The usual low-sodium diets allow for 20 mg/L sodium in drinking water. Test results for both residences indicate higher than normal concentrations of sodium for local groundwater.

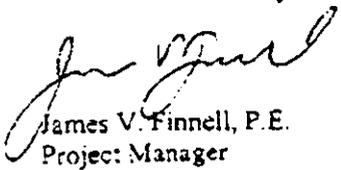
The National Secondary Drinking Water Regulations (or secondary standards) promulgated by the EPA recommend the chloride concentration in drinking water to be less than 250 mg/L. Chloride concentrations in excess of about 250 mg/L usually produce a noticeable taste in drinking water, and may indicate contamination. Test results for both residences indicate higher than normal concentrations of chlorides for drinking water.

Alkalinity in excess of 500 mg/L as CaCO₃ also indicates possible contamination by organic wastes. Test results for both residences indicate normal alkalinity concentrations for drinking water.

A chloride to bromide ratio greater than 3000 indicates the presence of road salt. Test results for both residences indicate chloride to bromide ratios in excess of this threshold.

In summary, the available test results indicate contamination of local groundwater by road salt that may be related to a nearby abandoned salt storage facility. As suggested by Steve Catherman by phone, the simplest remedy to address the impacts may be to tie the two residences into the municipal supply system. We look forward to providing continued assistance to Steuben County. If you have any questions or require additional information, please call me.

Very truly yours,


James V. Finnell, P.E.
Project Manager


William M. Goodman, Ph.D.
Senior Hydrogeologist

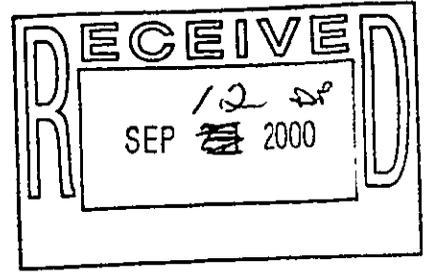
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MR Coo
9-11-00

Lillian Taylor

8843 Greyton H. Taylor Memorial Drive
PO Box 458
Hammondsport, NY 14840-0458

September 11, 2000



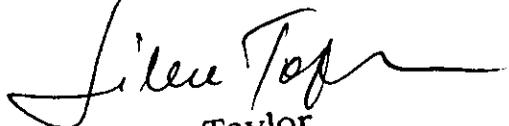
Deborah Pierce, Town Clerk
Town of Urbana
41 Lake St., PO Box 186
Hammondsport, NY 14840-0186

RE: Application of Crown Atlantic Company LLC for approval to
construct and operate a cellular telephone communications
facility off Greyton H. Taylor Memorial Drive (formerly known
as Bully Hill Road) in the Town of Urbana, New York, Tax Map
No. 90.00-01-48

Dear Ms. Pierce:

I am the owner of the property being leased for the above
referenced project. This letter is to notify any interested party that I
authorize and consent to the applications for any necessary
governmental approvals for the project.

Very truly yours,


Lillian Taylor

LT:jlmm

cc: Robert Burgdorf, Nixon Peabody LLP

**TOWN OF URBANA
PLANNING BOARD MINUTES
SEPTEMBER 19, 2000**

Board Present Robert Magee	Chairman
John Jensen	Board Member
Jim Presale	Board Member
Betty Fitzpatrick	Board Member
Carry McConnell	Recording Secretary
Others Present David Oliver	CEO

SPECIAL MEETING

Opened 7:04 PM

A. NEW BUSINESS

1. Claude Hughes Subdivision Application #200-020. Location of proposed property is 8651 Res. Rd. in Hammondspport. Owner of the property is Claude F and Durlnda C Hughes. The proposed project is to subdivide the total 120 acres into 3 lots of 1) 102 acres 2) 14 acres 3) 9 acres. John Jensen made a motion to declare this a minor subdivision and was seconded by Betty Fitzpatrick. Magee-aye, Presley-aye, Fitzpatrick-aye, Jensen-aye. Durinda Hughes was advised by the board to complete the following:

- a. A signature from both landowners on the original application. The application was returned to Durlnda to get the required signature.
- b. Portions of the SEQR to be completed.
- c. A letter of authorization from Claude stating that Durlnda has the authority to represent him with all matters required this subdivision.
- d. Survey is needed
- e. The 9 acres parcel is to adjoin lands of Ray Hughes.

2. Mori Subdivision Application # 200-023. Location of proposed property is 9370 County Route 70 in Hammondspport. Owners of the property are Robert G and Sylvia L Mori. The proposed project is to subdivide the total 33.8 acres into 3 lots of 1) 14.538 2) 18.8 3) .462. Betty made a motion to declare as a minor subdivision and was seconded by John. Magee-aye, Presley-aye, Fitzpatrick-aye, Jensen-aye. The Board advised Mr. and Mrs. Mori that parcels 3 needs to be annexed to lands of Fred and Barbara Smith advised Mr. and Mrs. Mori.

Betty made a motion to adjourn the meeting. Bob seconded all was in favor.
Meeting Adjourned at 8PM

Respectfully Submitted,

Robert Magee, Chairman



**Town of Urbana
Planning Board Minutes
September 5, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Betty Fitzpatrick	Board Member
	James Presley	Board Member
	Randy Robinson	Board Member
	Carly McConnell	Recording Secretary
Public Present	Stewart Campbell	
	Lin Hough	
	Michael A. Cook	
	Dr. Frank Bourke	
	Peter Berie	
	Bob Burnsdorf	

REGUARL MEETING

Opened 7:06 PM

- a. Minutes were reviewed from August 1, 2000. Jim Presley made a motion to accept as amended. John Jensen seconded. Minutes were approved.
- b. The Board would like to reconfirm that any draft copies of the minutes should not be made public until they have been reviewed, approved and signed by the chairman.

A. CORRESPONDENCE:

- a. Correspondence from Dave Oliver regarding Morrell property. He has spoken to the Department of State as to who has the final ability to enforce subdivision laws. Dave has spoke verbally and has nothing in writing. Bob Magee is going to contact the Association of Towns Attorney or Attorney of the State Department; for a request of a written documentation involving the violations of the State Subdivision Laws.
- b. Correspondence with Attorney Flynn: Attorney Flynn was unable to attend the meeting tonight and would like to arrange an executive session with the Board on September 25 or 26. The Board is unable to meet on proposed dates. Mr. Magee is going to contact Attorney Flynn with proposed dates of September 12 or 19.
- c. Correspondence from Urbana Town Council has not been received from the letter that was forwarded on to them; in July regarding the proposed 99 supliment.

B. OLD BUSINESS:

- a. Ward Subdivision: Mr. Magee is going to contact Judy Hunter at the county to make an appointment in regards to this situation.
- b. Dr. Frank Bourke: Dr. Bourke requested an extension to complete the requirements for the minor subdivision for additional 60 days. John Jensen made a motion to grant the extension and seconded by Betty Fitzpatrick. Magee-aye, Jensen-aye, Robinson-aye, Fitzpatrick-aye and Presley-aye Mr. Magee is going

to submit a request to Dave Buckley, Town Highway Superintendent to review the specifications of the proposed roadway and to respond with in 10 days in writing. Mr. Magee is also going to submit a request to Attorney Flynn to review the maintenance agreement and escrow agreement with a writing response with in 10 days.

Dr. Bourke stated that McConnell and Muller have done a survey. Also, Ray Kolo has made the same specifications to the proposed roadway that was used for the original roadway that was built 5 years ago. He stated that the bond might have to be increased for \$1000 to cover the turn around.

C. NEW BUSINESS:

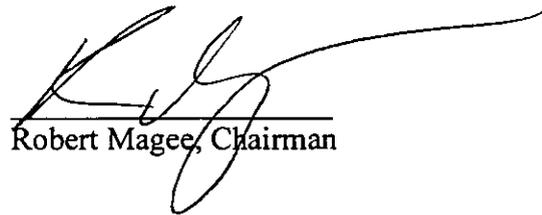
a. Michael Cook Subdivision Application # 2000-020. Location of proposed property is Evertts Road in Hammondsport, New York. Owner of the property is Michael Cook of 7578 Hardscrabble Rd., Addison New York. The proposed project is to subdivide the existing property of approximately 6 acres into 3 lots of approximately 1.) .50 acres 2.) 1-1.5 acres 3.) 4-4.5 acres. CEO Dave Oliver and CEO Marvin Rethmel have reviewed the application. Mr. Magee made a motion to declare a minor subdivision of 3 parcels. John was seconded. Magee-aye, Jensen-aye, Robinson-aye, Fitzpatrick-aye and Presley-aye. Marvin Rethmel is to assist Mr. Cook in completing the application process and notify Mr. Magee when done. After completion Mr. Magee will have the Town Clerk arrange a Public Hearing.

b. Lin Hough Site Concept Review Application #2000-017. Location of proposed property is Route 54, Hammondsport, New York. Owner of the proposed property is Lin Hough of 6499 Burton St., Bath, New York. The proposed project is to construct a 42 X 100 concrete and steel mini storage. Building to be build to match existing buildings on property. Mr. Hough stated that the building will have no store frontage. No electric or septic is required for the building. John Jensen has made a motion to accept Concept Review. Jim Presley seconded and all-aye. Mr. Rethmel is to assist Mr. Hough in completing the application for Site Plan Review. When application is complete Mr. Magee will instruct the Town Clerk to post a Public Hearing for a Site Plan Review.

c. Crown Atlantic Company LLC Application #105-9- (B) (2). Location of proposed project is Greyton H. Taylor Memorial Drive. The owner of the property is Lillian Taylor at 8843 Greyton H. Taylor Memorial Drive. The application is prepared by Nixon Peabody LLP, Clinton Square, PO Box 31051, Rochester, New York. The land is going to be leased by Crown Atlantic Company LLC. The zoning district is currently agricultural. The proposed project is to construct a cellular tower for the transmission of digital cell phones. The construction is a guided tower with a base equipment shelter of 12 X 30 to hold all electronic equipment. The electric to the tower is being proposed to be place underground. The guide wires and shelter will be surround by a wire fence. The Board requested a letter from Lillian Taylor giving authority to Nixon Peabody LLP to file application. Jim Presley made a motion to accept submission as both Concept Review and Special Use Permit and to set a public hearing for October 3. Betty seconded the motion and all was in favor.

Jim Presley made a motion to adjourn the meeting. John Jensen seconded and all was in favor.
Meeting Adjourned at 9:20PM

Respectfully Submitted,



Robert Magee, Chairman

**Town of Urbana
Planning Board Minutes
August 1, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Betty Fitzpatrick	Board Member
	James Presley	Board Member
	Randy Robinson	Board Member
	Carly McConnell	Recording Secretary
Public Present	Mark Morrell	

REGULAR MEETING:

Opened 7:10 PM

- a. Minutes were reviewed from June 19, 2000. Mr. Magee made a motion to accept as amended. Mr. Presley seconded. Minutes were approved.
- b. Minutes were reviewed from June 27, 2000. Mr. Jensen made a motion to accept as amended. Mrs. Fitzpatrick seconded. Minutes were approved.
- c. Minutes were reviewed from July 6, 2000. Mr. Jensen made a motion to accept as amended. Mr. Magee seconded. Minutes were approved.

A. NEW BUSINESS:

- a. Gregory Dyer Site Plan Review Application # 2000-021. Location of proposed project is 8539 State Route 54 in Hammondsport, NY 14840. Owners of the property are Richard and Mary Roller. The proposed project is to add a 26 X 26-foot garage to property. Mr. Presely made a motion to waive sit plan review. Mr. Jensen seconded the motion. All were in favor.
- b. Mr. Jensen read into the minutes a letter to the Urbana Town Council and a copy was placed in the correspondence file. Mr. Presley made a motion to send it the Town Board and Randy seconded the motion. All were in favor.

B. OLD BUSINESS:

- a. John Jensen and Jim Presley were present at the Urbana Town Board Meeting on July 18, 2000; when a letter was read from a resident concerning the Scutt Subdivision. Mr. Jensen made a motion to respond back to the Town Board in a letter that is supported by minutes and attachments. Bob seconded the motion and was in favor.

- C. Mr. Magee feels that the Town Planning Board is still left with out the knowlege to enforce conditions. Not just in regards to the Scutt Subdivision but others, like Ward subdivision that was not properly filed and the Shuart conditions were illegal filed. Mr. Magee would like to be able to seek council and get a response to these and other matters.

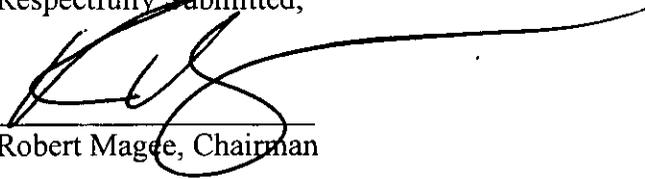
Mr. Jensen suggested a letter to Atty. Flynn to suggest to establish a method of communication to deal with situations in timely matter. Mr. Magee stated that council should be available to attend meetings. A motion was made by John Jensen to compose and send a letter to Atty. Flynn to deal with the fore mentioned concerns. Bob seconded the motion and all was in favor.

D. Sign Law: The Board reviewed the sign laws. Bob Magee will make amendments and prepare the final draft. John Jensen made a motion to recommend it to the Town of Urbana Board with the amendments. It was seconded by Mrs. Fitzpatrick and all was in favor

Bob Magee made a motion to adjourn the meeting. Betty Fitzpatrick seconded it and all was in favor.

Meeting Adjourned at 9:30PM

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'R. Magee', written over a horizontal line. The signature is cursive and extends to the right.

Robert Magee, Chairman

**Town of Urbana
Planning Board Minutes
July 6, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Betty Fitzpatrick	Board Member
	Carly McConnell	Recording Secretary
Board Absent	Jim Presley	Board Member
	Randy Robinson	Board Member
Others Present	Marvin Rethmel	CEO
Public Present	Judith Obrochta	
	Lida Westervelt	
	Ronald Smith	
	Atty., Robert Plascov	
	John Weaver	

PUBLIC HEARING – Ronald Smith Special Use Permit Application 2000-018 and Site Plan Review Application # 2000-017

Purpose of the Special Use Permit is to operate a restaurant and possible catering business from the old Moose Club building in Pleasant Valley. Bob Magee read into the minutes a letter that was received by Terry and Diane Peacock.

Marvin Rethmel CEO stated that Mr. Smith would be required to have 48 parking spaces at this location (38 customers and 10 employees) and he meets this requirement.

Questions from the Board:

Bob Magee questions the Marvin Rethmel as to interior floor plans and if one has been submitted. Mr. Rethmel stated that none has been submitted at this time. Bob asked Mr. Smith if any remodeling was going to be done and that it was his understanding that the kitchen was dismantled. Mr. Smith stated his plans were to basically clean the place up and that the equipment in the kitchen and the bar was taken out and would have to be replaced. No further Questions from the Board.

Questions & Comments from the Public:

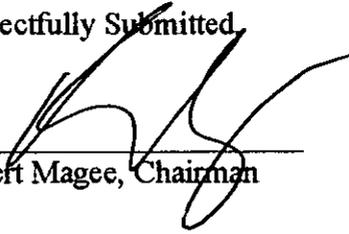
Judith Obrochta wanted to go on recording stating that she is for Mr. Smith's plans. Lida Westervelt is glad to see the building is going to be used and sees it as a gift to that area. John Weaver from the Church has no concerns with project and sees no reason for a barrier to be put up between the two properties. He did state the fact that the bar is against Church beliefs, but sees no problem with them replacing it. No further comments from the Public.

Mr. Smith went on recording stating that the building lends a lot to the public. Moose did a lot for the community and he is also willing to help the community. He occupancy size is 206 in the main room and 135 in bingo room.

Mr. Magee informed the Public Hearing on Mr. Jensen previous discussion on excusing himself on any discussion on this application, due to the proposed business being similar to his own.

Public Hearing Closed 7:16PM

Respectfully Submitted,



Robert Magee, Chairman

Terry & Diane Peacock
ANTIQUES AT THE WAREHOUSE
8091 County Rte. 88
Hammondsport, NY 14840

Shop-(607) 569-3655 Home-(607) 569-2812

JUN 27 2000

JUNE 25, 2000

TOWN OF URBANA
PLANNING BOARD
41 LAKE ST.
HAMMONDSPORT, N.Y. 14840

DEAR SIRS:

IN REFERENCE TO THE MATTER
BEFORE YOU REGARDING RONALD SMITH'S
APPLICATION TO OPERATE A RESTAURANT
AT THE FORMER MOOSE CLUB ON THE
PLEASANT VALLEY ROAD.

WE ARE WHOLE HEARTEDLY IN
FAVOR OF THIS PROJECT AND WOULD
HOPE THAT YOU WOULD GIVE THIS YOUR
FULL CONSIDERATION.

SINCERELY,

TERRY & DIANE
PEACOCK

**Town of Urbana
Planning Board Minutes
June 27, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Betty Fitzpatrick	Board Member
	Randy Robinson	Board Member
Others Present	David Oliver	CEO
Public Present	Kelly Carver	
	Eric Carver	
	Dave Frascella	
	Shannon Frascella	
	Pat Brown	
	Robert Whitney	
	John G. Giess	

PUBLIC HEARING – John Giess, Madison & Paul Reality (Stinson Woods) Minor Subdivision Application # 2000-019.
Public Hearing Opened 7:10PM

The location is on Hutches Road in Hammondsport. This is minor subdivision for the purpose of offering the lots for sale. It current use is agriculture and it is zoned agriculture. He is proposing the division of the current lot of 31. 222 acres into 4 parcels. 1.) 10 2.) 3.4 3.) 2.7 4.) 15.1. Dave Oliver reported that submissions are made and meet all requirements.

All proposed lots meet bulk requirements and have an excess of 250 feet of road frontage.

Board Questions: none

Public Questions: none

Public Hearing Closed 7:15PM

PUBLIC HEARING – Kelly Carver Minor Subdivision Application # 200-016.
Public Hearing Opened 7:16PM

The proposed property is for the subdivision is located at 8699 Longwell Road in Hammondsport, NY, 14840. They are proposing to divide the total 47.441 acres into 2 lots. 1.) 5.000 2.) 42.441 It current use is residential and it is zoned agriculture with a house and 2 barns. The purpose is to sell both lots to the same party.

Both lots exceed bulk requirements and have excess of 250 feet of frontage and 2 acres. Watershed report sated it was inspected and failed the original inspection. It is requiring a remedy to the situation. The Carver's received a letter from the Watershed inspector

allowing them to go ahead with the closing with the requirement that at an escrow account was established to get the needed repairs completed.

Board Questions: none

Public Questions: none

Public Hearing Closed 7:20PM

A. REGULAR MEETING:

Opened 7:21PM

a. SEQR PART II – Completed for Madison & Paul Reality Minor Subdivision.

Upon review of the information recorded on the EAF, (Parts I 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 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 Betty Fitzpatrick. Roll Call Vote: Jensen –aye, Magee-aye, Fitzpatrick-aye, Robinson-aye.

A Negative Declaration was prepared.

Finding:

No negative environmental impact

No negative concerns

Application complete and in order

Meets Minor Subdivision Requirements

Meets requirements of State & Local Laws

A motion was made by John Jensen to accept the findings and Betty Fitzpatrick seconded it. All were in favor.

It is the determination of the Planning Board that the Minor Subdivision application of Madison & Paul Reality meets the requirements 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 Madison & Paul Reality subdivision as submitted, and to instruct the Chairman to sign the survey. Bob Magee seconded. Roll Call Vote: Jensen-aye, Magee-aye, Fitzpatrick-aye, Robinson-aye.

b. SEQR PART II – Completed for Kelly Carver Minor 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. I John Jensen make a motion to that a Negative Declaration be prepared. Seconded by Betty Fitzpatrick. Roll Call Vote: Jensen-aye, Magee-aye, Fitzpatrick-aye, Robinson-aye.

A Negative Declaration was prepared.

Findings:

Application was complete and in order
No Negative environmental impact
Meets Minor Subdivision Requirements
Meets Requirements of State and Local Laws
No Negative comments were made at Public Hearing

The watershed report is filed on in record.

A motion was made by Mr. Jensen to accept the findings and Mrs. Fitzpatrick seconded it. All were in favor.

It is the determination of the Planning Board that the Minor Subdivision application of Kelly Carver meets the requirements 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 Kelly Carver subdivision as submitted, and to instruct the Chairman to sign to survey. Betty seconded. Roll Call Vote: Jensen-aye, Magee-aye, Fitzpatrick-aye, Robinson-aye.

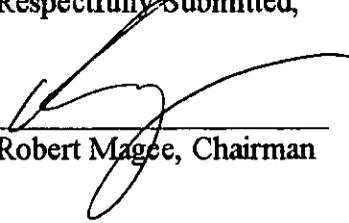
B. OLD BUSINESS:

- a. Dr. Frank Bourke called Mr. Magee to request a Bond of Conformance to build the road after the subdivision was declared. The board decided that any Bonds would have to go to Brain Flynn. Dave Oliver and John Jensen agree that Dr. Bourke needs to provide his plans on building the road and will need to describe specs. Dave believes the Board needs to have him adhere the section 93-18 in the codes regarding the building of the road and strongly suggest that Dr. Bourke inform the Board on how the utilities will be put in. John Jensen would like Dave Buckley Highway Superintendent to inspect the locations and decide if a engineer is needed.
- b. Charles Ward and Randy Weaver Minor Subdivision Application # 99-020 was filed with the County Clerk prior to the Public Hearing on June 6, 2000. The county assessor submitted a copy of the RP-5217 that was dated by Mr. Carver on May 5, 2000 and the Deed dated May 2000. Bob Magee proposed that Application #99-020 Charles Ward and Randy Weaver Minor Subdivision is postponed and no further action until Board consults with Attorney Flynn. Mr. Magee will also notify the Ward's of this that the process will be on hold until the Board until this situation is resolved. He will also send a letter to the Watershed

Inspector to advise him on the situation and to ask him not to issue any permits until resolved.

John Jensen made a motion to adjourn the meeting and Betty Fitzpatrick seconded it.
Meeting adjourned 8:25PM

Respectfully Submitted,



Robert Magee, Chairman

**Town of Urbana
Planning Board Minutes
June 19, 2000**

Board Present Robert Magee Chairman

Jim Presley	Board Member
Randy Robinson	Board Member
Betty Fitzpatrick	Board Member
John Jensen	Board Member

Others Present Marvin Rethmel CEO

SPECIAL MEETING – 7:00 PM

Richard Jacquier Special Use Permit Application # 2000-010

A. Concerns from the Board

1. Does he have a lot big enough to do what he wants to do?
2. Screening for neighbors
3. Erosion control
4. Need for water in the building (this issue has been raised at Public Hearing.
5. Area seems over crowded for amount of cars he is proposing
6. Not the place to intensify this type of work
7. People stopping along road to look at the cars-traffic hazard
8. Possible screening the road traffic to sales lot
9. Portable sign

B. Comments for the Board

1. Bob went to look at the location and feels a couple of cars would be ok.
2. Bob feels a specific location of cars to be assigned to stop traffic from stopping to view to lot from the roadway.
3. These concerns are not only current but will remain with the property.
4. Enforcement of these restrictions.
5. CEO – Marvin Rethmel note section 105-29A6 regarding the parking. Stating that car lots are not specified in this section.

The Board will grant the Special Use Permit when conditions have been met. A certificate of compliance will be required the Town Building Inspector. Mr. Magee made a motion to grant this Special Use Permit application upon conditions; listed below.

1. Proper screening with a 6 foot fence for neighbors above and below.
2. Proper placement of cars.
3. Not to disrupt flow of traffic on roadway.
4. A 25-foot setback with screening and green space on roadway side.
5. Limit of 3 cars.
6. Planting, landscaping and erosion control.
7. There will be not further expansion of business on property.

8. A provision of any violation of these conditions and/or other codes, the Board will seek to rescind.

Jim Presley seconded the motion. Jim-aye, John-aye & Bob-aye. Randy-na & Betty abstained.

SEQR PART II

A. FINDINGS:

- a. Small impact to community do to on site storage of petro laced products and used tires may cause migated circumstances.
- b. Commercial use in predominately residential neighborhood.
- c. Jim Presley made a motion to declare no significant environmental impact. Bob seconded. Jim-aye, John-aye, Bob-aye, Randy-aye & Betty-aye.
- d. Negative declaration needs to be issued.

Richard Jacquier – Site Plan Review Application # 99-030

The purpose of the application is to expand his current tire business. In Response to a request by the Town Planning Board; Mr. Jacquier submitted a response that was read into minutes and attached. Referring back to Mr. Jacquier response, the findings and additional conditions of the board are as follows:

1. (24) No tires should be visible and stored in a screened Dumpster.
2. (25) No visible auto parts or junk vehicles per Town Code.
3. (26) Proper storage of hazardous waste.
4. (27) Number of licensed vehicles will not exceed three.
5. (28) Parking spaces are to be per code (9 feet x 9 feet)
6. (29) According to Terry Debuck no water shed requirements are needed.
7. An additional condition is that a 6-foot fence is required for all residential neighbors.
8. Roadways are to be screened with planting and green space in an area from the road and in 25 feet.

Bob made motion to approve as discussed with all conditions being met prior to issuing of occupancy certificate by the Town Building Inspector. Jim seconded. Jim-aye, John-aye, Bob-aye, Randy-aye and Betty abstained.

Dr. Frank Bourke – Minor Subdivision Application # 200-015

Dr. Bourke has requested that the Board waive the requirement for the 250-foot road frontage. The Board referred to Section 93-28 A&B to exceptions. It was the Board's decision that he did not show an extraordinary hardship. It was discussed if the Board should be allow him to put the road between lots 1 & 2 into lot 3 without going to the back. In the Subdivision papers from the Church it says they all have the right to drive on the right away and are all-responsible for maintenance. Jim Presley made a motion that we waive the requirement of the 250 foot road frontage, because the scope of this project does not warrant the need to go more than 100 feet. Jim-aye. Bob-na, Randy-na, & Betty-na. Motion not carried.

Bob made a motion to grant the subdivision based upon conditions and submission of such. Conditions are as follows:

1. He provides 250 foot road frontage in the prescribed roadway
2. He provides a copy of the maintenance agreement.
3. He provides a copy of the design of the driveway with turn around revisions per 93-18I.
4. He follows construction standards he received from through the Board from David Buckley- Town Highway Superintendent.
5. A performance Bond must be prepared.

Jim seconded the motion. Jim-aye, Bob-aye & Betty-aye. Randy-na

Ronald Smith – Concept Review. John Jensen after hearing concept review and it being very similar to Mr. Jensen's business, he has recused himself from discussion and voting of Ronald Smith's project.

A Public hearing can be set up for the Special Use Permit and Site Plan Review, On Thursday, July 6, 2000.

The next meeting is June 27, 2000. Bob made the motions to adjourn the meeting. Seconded by Randy. Meeting adjourned at 9:30PM

Respectfully Submitted,



Robert Magee, Chairman

January 7, 2000

From: Richard Jacquier

To: Town Planning Board

Re: NOTES AS REQUESTED BY PLANNING BOARD FOR SITE REQUIREMENTS

- 24 Once a tire is determined to be worthless it will be processed (cut up) into trash and go into a proposed dumpster on a weekly basis. Used tires to be stored on racks inside once determined to be sellable. - No tires should be visible. Stored in a dumpster. Screened dumpster.
- 25 Unrepairable vehicles (junk) once determined as such will be taken to approved scrap or dismantler as provided by DMV Law. Auto parts either will be determined as good or junk. Good parts are to be stored inside building once processed. Junk disposed of in accepted way as garbage or salvage. No visible ~~parts~~ parts, no junk vehicles per town code
- 26 Environmentally hazardous materials such as batteries, petroleum products or other fluids will be used with accepted practice of containment within garage. All used materials are returned to supplier who sold us the new replacement materials as is provided for by Law.
- 27 Proper storage of hazardous waste will not exceed 4. Number of vehicles on premises for repair or service at any time will vary by season, economy and space. Average turnover of vehicles at this time is 1/2 hour.
- 28 Ingress and egress by existing drive. Parking spaces per site plan conditions.
- 29 No plans for water. Bob wrote a letter to Terry - commercial bldg for sale & repair, codes, etc? w/reference to code → see back
- 30 Department of Motor Vehicles Registered NYS Repair Shop, Official Inspection Station- Auto, Official Inspection Station- Motorcycle, Registered NYS Dealer, dba Business certificate, NYS tax ID.
- 31 No waste water or septic applies. Restroom as needed on premises in house.
- 32 Planned starting and finished date scheduled for November 1999.
- 33 Erosion to be limited by planting of vegetation. Ditch to be cleaned out as necessary.
- (34) all conditions must be met prior to issuing of occupancy by Town Bdg. Inspector

**Town of Urbana
Planning Board Minutes
June 6, 2000**

Board Present	Robert Magee	Chairman
	John Jensen	Board Member
	Betty Fitzpatrick	Board Member
	Carly McConnell	Recording Secretary
Board Absent	James Presley	Board Member
	Randy Robinson	Board Member
Others Present	Marvin Rethmel	CEO
	David Oliver	CEO
Public Present	Ed Fitzpatrick	Shannon Freschella
	Kelly Fitzpatrick	Joe Hamilton
	Mrs. Leroy Archer	Eric Carver
	Mr. Leroy Archer	Kelly Carver
	John G. Giess	Richard Fairchild
	Mark Morell	Dr. Gurdup Kundlas
	Atty, Robert Plaskov	Ron Smith
	Joe Hamilton	Randy Weaver
	Richard Jacquier	Julie Jacquier
	Virginia Holmes	Dr. Frank Bourke
	Pastor Jenks	Mary Lou Jenks
	Bonnie Ward	Charles Ward

**PUBLIC HEARING – Richard Jacquier Special Use Permit Application # 2000-010
Called to Order 7:20 PM.**

Richard and Julie Jacquier were present for the Public Hearing. They are requesting a Special Use Permit to expand current business to sell up to ten used autos. The location is at his residence at 7320 Co. Rt. 89, Bath, NY.

It was brought to the attention of the Board at a Site Plan Review-Public Hearing on Feb. 2, 2000; the intention of Mr. Jacquier to sell used autos. At that time it was determined that a Site Plan Review could not be completed until a Special Use Permit was granted.

Question from the Board:

Betty Fitzpatrick questioned the need for water at his facility. Bob Magee asked what purpose would the 4X5 Copy Change Sign have?

Question/Concerns from the Public:

Ed Fitzpatrick raised concerns on the additional traffic on the hill caused by the used auto sales and where the customers are going to park. He would also like to see a fence

between the two properties; because he does not want to see it. Kelly Fitzpatrick was also concerned about parking of customers and traffic backing into road.

Mr. Richard Jacquier response was that he did not need any more water to sell used autos. The sign would be to alert the public of the business and/or any specials. The sales lot has been set back 100 yards to give customers more room. He made a point on stating that a used auto sales business open on this property in 1985 and was that way when he purchased the property.

John Jensen asked the CEO's if a determination has been made on the minimum number of parking spaces needed for customers. Marvin Rethmel replied that only two spaces were needed; according to the size of the sales office. One space in required for per every 50 square feet. Mr. Jensen believes lot size and not the size of the office should determine it.

The Board is concerned with the number amount of customer parking.

Public Hearing closed 7:28 PM

PUBLIC HEARING - Dr. Frank Bourke Minor Subdivision Application # 2000-015
Public Hearing opened 7:30 PM

Dr. Frank Bourke was present for the Public Hearing. The location of this subdivision is on Rt. 54 across from Ira Davenport Memorial Hospital and adjacent to the Harvest Baptist Church. Dr. Bourke's address is 145 E. Second St., Corning, NY 14830. This project is to take the existing 59 acres and divide them into 4 parcels. 1) 2.236 2) 2.236 3) 34.631 4) 20.316.

Mr. Magee brought up that there has been concerns that this project is a major subdivision instead of minor subdivisions as it was declared at the last meeting. Mr. Magee explained that the previous owners did the original subdivision. A lot was sold to the Baptist Harvest Church and Dr. Bourke purchased the balance of land. Mr. Magee read into the minutes a request for waiver that was received on May 25, 2000 for Dr. Bourke. (see attachments).

Board Question:

Betty Fitzpatrick and John Jensen had no questions. Mr. Magee proposed the idea of entering the property off Rt. 54 on the existing roadway, in front of lot 1 and then turning left towards Hammondsport. Giving additional access to lot 3. Mr. Magee also inquired as to how much roadway Dr. Brouke was willing to put in.

Public Questions/Concerns:

Pastor Jerks from the Harvest Baptist Church read into minutes a letter of concern from the church. (see attachment) Dr. Gurdup Kundlas stated the fact that he needs have access to his lot in order to build his office and use the property; if a public roadway is not provided. Dr. Kundlas asked if Lot 2 could be sold if not public access is provided. John Jensen responded by saying that the Board is still trying to working on the

subdivision and will be able to answer that question at a later date. Virginia Holmes is concerned about the effect this will have on her well; which is located on Lot 4. She questioned the Board to see if they had the authority to say what can go on a lot or not. Mr. Magee addressed Mrs. Holmes by stating that the Town of Urbana reserves the right to review site plans for properties. He also requested that she provide the Town Clerk with a copy of easement for the well.

Dr. Bourke responded by claiming a road was of no value to him. He would be willing to put in 100 feet of road. He requested a clarification on improved roadway and where in the codes does it specify you that you need an improved roadway. He said he had asked for this at the previous meeting. Bob Magee read into the minutes the code regarding the roadway. Dr. Bourke stated that he is trying to do a subdivision with a right away to the sell the lots. Then the buyer would be responsible for the improved roadway. Dr. Bourke wanted the record to show that he is requesting a waiver on the improved roadway and only have a right away at this time.

Dave Oliver suggested for information to be collected on the elevation and grad for the property.

Public Hearing closed 8:07 PM

PUBLIC HEARING – Charles Ward and Randy Weaver Minor Subdivision Application # 99-020

Public Hearing opened 8:10 PM

Charles and Bonnie Ward and Randy Weaver were present at the public hearing. The location of the subdivision is 439 East Lake Road, Hammondsport, NY 14840. Mr. Charles and Bonnie Ward's address is 575 Freeman St., Coming, NY 14830. Mr. Ward is proposing to annex 47 feet of his property to the adjoining property for a leach field. The lot would be conforming now and after the subdivision. It would create an illegal parcel; but would legitament by annexing to the adjoining property. Before annexing the Weaver property is non-conforming. The annex would make it more conforming. Mr. Ward has been in contact with the watershed inspectors.

No questions from the Board and no one from the public were present to ask questions.

Public Hearing closed 8:15 PM

A. REGULAR MEETING :

Opened 8:22 PM

- a. Minutes were reviewed from April 18, 2000. Mrs. Fitzpatrick made a motion to accept as amended. Mr. Jensen seconded. Minutes were approved.
- b. Minutes were reviewed from May 25, 2000. Mr. Jensen made a motion to accept as amended. Mrs. Fitzpatrick seconded. Minutes were approved.

B. NEW BUSINESS:

- a. Kelly Carver Application # 2000-015SD – Eric and Kelly Carver, 8699 Longwell Road, Hammondsport, NY 14840. This is the actual property of the proposed subdivision. They are proposing to divide the total parcel of 47.441 acres into 2 lots. 1) 1.5 2) 42.441. Both lots would be sold to the same party. Current use is residential and is zoned as agricultural. Purchaser questioned whether the subdivision was required. Bob Magee responded, yes. No questions from the board. It meets all requirements for Road frontage and preexisting set backs. John Jensen made a motion to declare a minor subdivision. Betty Fitzpatrick seconded. Jensen-aye, Fitzpatrick-aye, Magee-aye. A motion was made to have the Town Clerk set a Public Hearing when the application was complete. Mrs. Fitzpatrick seconded. Jensen-aye, Fitzpatrick-aye, Magee-aye.
- b. Minor Subdivision Madison and Paul Application # 2000-019 – John G. Giess, President of Madison and Paul Realty, Po Box 308, Prattsburg, NY 14873. Actual location of subdivision is Hutches Road, Hammondsport, NY 14840. He is proposing to divide the total 31.222 acres into 4 parcels. 1) 10 2) 3.4 3) 2.7 4) 15. The purpose would to offer the lots for sale. Current use is agriculture w/1 cabin and is zoned agriculture. Bob questioned the frontage for lot 4 and if the cabin had a well and septic. Mr. Giess responded that it had 266.3 feet on Hutches Road. Also, that the cabin has a well and septic that was inspected in March. All the bulk requirements are meet. John Jensen made a motion to have the Town Clerk set a Public Hearing when the file is complete. Betty Fitzpatrick second. Jensen-aye, Fitzpatrick-aye, Magee-aye
- c. Ronald Smith Special Use Permit Application # 200-017 and Site Plan Review Application # 200-018 – Ronald Smith, 7641 North Maine St., Kanona, NY 14856. Actual location is Pleasant Valley Road, Hammondsport, NY 14840. Purpose is to open a limited night restaurant and banquet facilities. Current owner is Soldiers and Sailors Memorial Hospital. Attached is release from Soldiers and Sailors Hospital for Mr. Smith to apply for the above applications. Current use is empty building (former membership club) and is zoned as agriculture. John Jensen questioned the need for a Dumpster. Mr. Magee inquired to know if this could be a possible bar setting after hours. Mr. Smith said he had no need for the dumpster and a bar setting was possible. Mr. Rethmel does not see any concerns for the Board on site plan review. The Board sees none for the Special Use Permit. With in 15 days the Board needs to determine if a Site Plan Review is required for Public Hearing. John Jensen made a motion for the Town Clerk to set a public hearing on the Special Use Permit. Betty Fitzpatrick second. Jensen-aye, Fitzpatrick-aye, Magee-aye. Mr. Jensen made a motion for he Site Plan Review-Public Hearing to be held with the Special Use Permit. Mrs. Fitzpatrick seconded. Jensen-aye, Fitzpatrick-aye, Magee-aye

C. ZBA OPIONS: None

D. OLD BUSINESS:

- a. Mr. Bob Magee has sent two letters to Atty, Flynn on the Scutt Subdivision. The latest letter requested a response by June 6, 2000. To date no response has been received. Mr. Magee will compose another letter to indicate the need for a response, the apparent lack of response and ability to be present at meetings. Mr. Magee will ask for a time to meet with Atty, Flynn and the Board Members for a conference to establish procedures to which the Board should stand by. Mr. Jensen did converse with Atty, Flynn earlier today and had suggested that he meet with the Board review criteria. Atty, Flynn did agree.
- b. Sanford Subdivision Application # 99-025 - This was granted with the condition that upon annex to Shuart parcel they needed to file with in 60 days as 2 parcels. Letter received from Kathy at the County Tax Acessor's Office states this has not been done and it is filed as 3 parcels. Marvin is going to look into this.

E. CEO REPORT:

- a. Dave Oliver is comprising a report on landscaping laws. Currently what we have now is unenforceable. We need to have something with more definitions.

F. SIGN LAW:

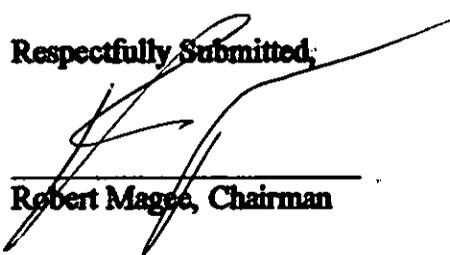
- a. Bob Magee is working on it.

The Board has made the decision to proceed with the Site Plan Review and Ronald Smith will be notified in writing.

Bob Magee made a motion to hold another meeting between now and June 27, 2000. Betty Fitzpatrick seconded Jensen-aye, Fitzpatrick-aye, Magee-aye. Bob will contact the absent Board Members to determine a date.

Betty Fitzpatrick made a motion to adjourn the meeting at 10:00 PM. Bob Magee second. Meeting Adjourned.

Respectfully Submitted,



Robert Magee, Chairman

112

LIBER 1190 PAGE 343

09

DEED-WARRANTY with Lien Covenant

THIS INDENTURE, Made the 15th day of September, Nineteen Hundred and Eighty-Eight

BETWEEN

VIRGINIA L. HOLMES, currently residing at 7574 Route 54, R. D. #2, Bath, New York, 14810

party of the first part, and

FRANCIS HOLMES and VIRGINIA L. HOLMES, husband and wife as tenants by the entirety, currently residing at 7574 Route 54, R. D. #2, Bath, New York, 14810

parties of the second part,

WITNESSETH, that the party of the first part, in consideration of -----ONE DOLLAR (\$1.00) lawful money of the United States, and other good and valuable consideration, paid by the parties of the second part, does hereby grant and release unto the parties of the second part, their heirs and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Urbana, County of Steuben, State of New York, bounded and described as follows: Beginning at a point on the southeast line of New York State Route 54 said point being S 46° 04' 44" W 2.02 feet from a concrete monument; thence S 29° 18' 13" E along the west line of Lane as recorded in Liber 997 Page 586, 306.00 feet to an iron pipe; thence S 75° 36' 35" W along lands of Stratton as recorded in Liber 863 Page 853, 431.45 feet to an iron pipe; thence N 27° 18' 03" west along lands of Stratton, 87.08 feet to an iron pipe on the southeast line of New York State Route 54; thence N 46° 04' 44" east along the southeast line of Route 54, 427.70 feet to the point of beginning. Comprising an area of 1.874 acres.

BEING the same premises conveyed to Frances A. Leighton on March 2, 1984, by Warranty Deed recorded in Liber 1048 at Page 338 in the Steuben County Clerk's Office.

SUBJECT to all easements and rights of way of record.

SUBJECT TO AND CONVEYING all the rights of Frances A. Leighton pursuant to an agreement made on the 20th day of August, 1979, by and between William S. Shill and Georgia T. Shill and Charles H. Taylor and Florence Taylor relatives to the premises of Shill.

RECEIVED
REAL ESTATE
SEP 19 1988
TRANSFER TAX
STEBEN
COUNTY

SEP 19 10 00 AM '88
STEBEN COUNTY
CLERK'S OFFICE

0687

Read & Return To

Robert H. Platten, Esq.
5 Conover Street
Bath, NY 14810-0551

RECEIVED
JUN - 7 2000

BEING the same premises conveyed to Virginia L. Holmes, by Executor's Deed from Father Albert Ryan as Executor of the Last Will and Testament of Frances A. Leighton, dated September 6, 1985, and recorded in the Steuben County Clerk's Office September 12, 1985, in Book 1066 of Deeds at Page 877.

Together with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever:

And said party of the first part, covenants as follows:

FIRST. That the parties of the second part shall quietly enjoy the said premises;

SECOND. That said party of the first part, will forever WARRANT the title to said premises.

THIRD. That, in Compliance with Sec. 13 of the Lien Law, the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal the day and year first above written.

IN PRESENCE OF

Virginia L. Holmes
VIRGINIA L. HOLMES

SEP 19 10 00 AM '88
STEBEN COUNTY CLERK'S OFFICE

REC-1190

STATE OF NEW YORK)
) SS.:
COUNTY OF STEUBEN)

On this 15th day of September, 1988, before me the subscriber, personally appeared, VIRGINIA L. HOLMES, to me personally known and known to me to be the same person described in and who executed the within instrument and she duly acknowledged to me that she executed the same.

Sandra J. Nowicki
NOTARY PUBLIC

snfbl

EXAMINED
Fred E. ...
STEUBEN COUNTY CLERK
SANDRA J. NOWICKI
NOTARY PUBLIC No. 4741715
State of New York, County of Steuben
Comm. o. Exp. for
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**Town of Urbana
Planning Board Minutes
May 2, 2000**

Board Present	Robert Magee	Chairman
	James Presley	Board Member
	John Jensen	Board Member
	Randy Robinson	Board member
	Betty Fitzpatrick	Board member
	Diane Costello	Recording Secretary
Others Present	Marvin Rethmel	CEO
	David Oliver	CEO
Public Present:	David Pearce	
	Gurdup Kundles, MD	
	Shaher Tahir	
	Ashur Tahir	
	Jack Allen	
	Fr. Frank Bourke	
	Ron C. Smith	
	Atty, Robert Plaskov	

PUBLIC HEARING - Pearce Major Subdivision Application #2000-06SD, Called to order at 7:11 PM. Mr. Pearce's address is 8631 Bully Hill Road, Hammondsport, NY 14840. Parcel # 104.00-01-071.211. This parcel is currently zoned Agricultural. This is an ongoing subdivision. Mr. Pearce is now defining Lots #9 to be 8.803 out of the larger of all the Major Subdivision parcels leaving Lot #5 at 118.170 acres.

There were no questions from the Board Members. There were no questions or comments from the CEO's and there was no one there from the public with any questions. Mr. Presley made a Motion to close the Public Hearing at 7:16 PM and Mr. Jensen seconded it.

A. REGULAR MEETING was called to order at 7:17. Minutes to the 4/4/00 meeting need to be amended. Two lines need to be deleted. John Jensen made a motion to accept the minutes as amended and Mr. Magee seconded it. Minutes were amended 5/3/00 and signed by the Chairman and submitted to the Town Clerk.

B. Old Business

a. Subdivisions

1. Craig - No new submissions
2. Bourke - Reed Farm. All submissions seem to be in other than the survey. Mr. Jensen made a motion to leave the decision up to the Town Clerk and the CEO in charge to deem when all submissions are in and set a Public Hearing at that time. Mr. Robinson seconded that motion. The Clerk was left a note to do so.
3. Bourke - Townsend. A new application has been submitted. Minor Subdivision application #2000-015. The Board Members reviewed a new sketch plat showing Parcel# 131-1-39.3 divided in to 4 parcels. The total being 59 acres. Lot 1) 2.0 acres, Lot 2) 2.0 acres, Lot 3) 32.8 acres and Lot 4) 21.2 acres. Current land use is recreational. The two 2 acre parcels are intended to be sold to doctors. The first 2 acre parcel has sufficient road frontage. The second 2 acre parcel needs 250' of accessible road frontage. A job estimate for a roadway was submitted for his file and seems to be sufficient as far as the Town

requirements. The question remains to be, "Does the entire 250' of roadway need to be completely developed or can it be properly developed as far as access to a parking lot and the rest of it left as a right of way?" The Board saw fit to go ahead and allow Dr. Bourke to have a survey done as is. He was sent an approval letter stating his preliminary sketch plat was accepted and to submit a survey. Again a motion was made by Mr. Jensen to allow the Town Clerk and CEO to deem when the submissions were complete with survey and set up a Public Hearing at that time. It was seconded by Mr. Presley and a note was left for the Town Clerk to do so. In the mean time board members will search the code book for specifics on the roadway.

It is noted that Dr. Bourke has asked for a waiver on developing the entire 250 foot of roadway but will stand by any decision that the board provides to any length that it has to be; 50 foot to 250 foot.

Motion was made by Mr. Presley to accept the Preliminary Sketch plat and proceed toward a Minor Subdivision. Mrs. Fitzpatrick seconded the motion. Mr. Magee - aye, Mr. Robinson - aye, Mr. Jensen - aye, Mrs. Fitzpatrick - aye, Mr. Presley - aye.

4. Ward - No new submissions

5. Scutt - No new submissions. There was discussion on a letter Mr. Jensen wrote at the 4/18/00 meeting. Mr. Magee was to put together a letter for the attorney to answer. It is about Mr. Scutt's last subdivision. The conditions had not been met. The Board would like Mr. Magee again to reformat the letter to Attorney Flynn asking him what to do about a subdivision that has not complied with the conditions set forth at the time the Subdivision was granted. Section 93-9B states that if the conditions are not met the subdivision is to be null and void and stricken from Public Record. The Board needs to know from the attorney how to enforce this.

b) Special Use Permit

1. DeLancey Bed and Breakfast Application #2000-011

SEQR Part II was completed.

Upon review of the information recorded on the EAF and any other supporting information and considering both the magnitude and the importance of each impact, it is reasonably determined by the Planning Board that this Special Use Permit will not result in any large and important impact on the environment. A motion was made by Randy Robinson that a Negative Declaration be prepared. It was seconded by Betty Fitzpatrick. All agreed.

It is determined by the Planning Board that all requirements have been met by Mrs. DeLancey for her property to be used as a Bed and Breakfast and is now deemed to be granted status for Special Use approval or disapproval. Mr. Magee made a motion to approve the Special Use Permit for the DeLancey application based upon the Findings attached. The motion was seconded by Mr. Jensen with the stipulations listed below. All agreed.

FINDINGS and CONDITIONS:

Accept the Special Use Permit under Section 105.9A, 2-C.

File submissions were complete

Watershed Report was favorable to this usage

Meets all requirements of a Special Use Bed and Breakfast

No negative impact on the environment

No negative comments from the public at the Public Hearing

Can supply off street parking

The Board is requesting that because of the width and the length of the driveway customers use the Eastern end of the drive for the Entrance and the Western end for an Exit. There will be one way traffic only.

There will also be no extra sign

A motion was made by Mr. Jensen to accept the findings pertaining to the DeLancy Special Use Permit and Mr. Magee seconded it. All Board Members agreed to the findings listed above.

2. Tarpin Bed and Breakfast Special Use Permit Application # 2000-004

New parking plans have been submitted in order to accommodate somewhat of a widened turn around for customers. Mrs. Tarpin only needs two spaces to accommodate customers but if both spots are filled it looks like they still may have to back out on to the Main Street.

SEQR Part II was filled out.

Upon review of the information recorded on the EAF and any other supporting information and considering both the magnitude and the importance of each impact it is reasonably determined by the Planning Board that this Special Use Permit will not result in any large and important impact on the environment. Mr. Jensen Made a motion that a Negative Declaration be prepared and Mr. Presley seconded it. All agreed.

It is the determination of the Planning Board that the Special Use Permit for the Tarpin Bed and Breakfast meets the requirements and is to be granted status for approval or disapproval. John Jensen made a motion to approve and Betty Fitzpatrick seconded it. All agreed.

FINDINGS and CONDITIONS:

All submission are in and file is complete.

This Special Use is permissible under Section 105.10, 2-A

No negative impact

There is adequate off street parking

Watershed report was favorable for this use

There were comments from the public concerning the traffic flow

The sign is to be on the Tarpin porch and non intrusive to the neighbors

Mr. Jensen made a motion to accept the findings. Betty seconded it. Bob - aye, Robinson - aye, Fitzpatrick - aye, Jensen - aye and Presley abstained.

c) Concept/Site Plan Review

1. DeLancy - Based on the thorough review of the Site Plan during the meetings for The Special Use Permits Mr. Jensen made a motion to turn the Site Plan observation over to the CEO's for compliance and waive any further site plan review. This motion was seconded by Randy Robinson. All were in agreement except for Mr. Presley's abstention.

2. Tarpin - Again, based on the thoroughness of the Site Plan during the proceedings for The Special Use Permits Mr. Jensen made a motion to waive any further site plan review and turn it over to the CEO's for Tarpin's compliance of the laws, findings and conditions that were documented. Mr. Robinson seconded that motion. All were in agreement except Mr. Presley abstention from the vote.

3. Wheels and Wood - The application was resubmitted in a neater fashion so that the Board and the Public could read it legibly. There was discussion about the drawings not being made in proper proportion or to scale. He wants to sell 10 cars at a time. John would like to see a tax parcel map and Bob would like to have photographs taken. The Board decided to make a motion to go ahead with the Public Hearing on the Special Use Permit only. This will move the project along to the next step. It is possible many things will be answered as the Public is allowed to participate. The Board will not waive a site plan review of this project. Mr. Presley made a motion to have the Town Clerk set up a Public Hearing for Mr. Jacquier on June 6th, 2000 and Mr. Magee seconded it. The vote went as follows: Jensen - aye, Fitzpatrick - opposed, Robinson - opposed, Magee - aye and Presley - aye. Public Hearing will be set for June 6th.

d. ZBA Opinions - None

e. Planning Issues

1. Sign Laws - The Town Board has asked the Planning Board to finalize the draft on sign laws that Dave Oliver submitted quite some time ago. The Planning Board does not feel that they themselves have seen the law in it's entirety. So, Mr. Magee is going to put the law together with the additions and changes that Mr. Oliver has proposed and submit in draft form to both the Planning Board and The Town Board at the same time for review. The Town is proposing it go to Public Hearing on June 20th, 2000.

2. Comp Plan - Still no response from the Town Board on the Planning Board submission of the amended Comprehensive Plan.

C. New Business

Diane Costello's resignation was recognized and accepted.

Mr. Magee made a motion to adjourn the meeting at 9:18PM and it was seconded by Mr. Presley.

Meeting was adjourned.

After open discussion of some of the upcoming projects the Chairman was reminded that the Board had not finished the motions and findings on the David Pearce Major Subdivision.

A Regular Meeting was reopened at 9:35PM on 5/2/00.

SEQR Part II was filled out.

Upon review of the information recorded on the EAF and any other supporting information and considering both the magnitude and the 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. John Jensen made a motion that a Negative Declaration be prepared and Randy Robinson seconded it. All Board Members were in agreement. Negative Declaration was prepared and left for the Town Clerk.

It is the determination of the Planning Board that the Major Subdivision Application of David Pearce meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Betty Fitzpatrick made a motion to approve the Major Subdivision of Mr. Pearce and Mr. Presley seconded it. All Board Members were in agreement. The survey maps were signed and sealed.

Findings: Application is complete

Meets all requirements of State and Local Laws

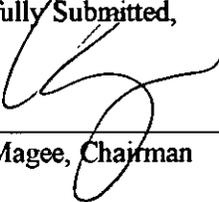
No negative impact on the environment

No negative comments from the public

Betty Fitzpatrick made a motion to accept the findings and Mr. Jensen seconded it. All agreed.

Betty made a motion to adjourn the meeting at 9:55 PM. Mr. Jensen seconded it. **Meeting adjourned.**

Respectfully Submitted,



Robert Magee, Chairman

Next meeting: June 6, 2000

TOWN OF URBANA PLANNING BOARD MEETING - APRIL 27, 2000

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

The meeting was convened by Chairman Robert Magee, at 4:30 P.M.E.D.T.
Robert Magee noted, for the record, that at a meeting held April 18, 2000, a Public hearing was held regarding a Minor Subdivision for Max Tobias, Application # .
The Board discussed and reviewed the information that was presented at the Public Hearing.
Upon review of the Submissions, the Board found the following concerns with the Tobias application:

1. Granting the Subdivisions would create two substandard lots.
2. The Applicant indicated that it was his intention to annex the substandard parcels to the larger portions of the lots to create conforming lots.

The board completed the SEQR, Part 2 and it was determined that this project would not have any adverse environmental effect. Betty Fitzpatrick made a motion that based upon this review, a Negative Declaration be prepared and filed. Second - Bob Magee. Roll Call Vote:
Robert Magee - Aye
Jim Presley - Aye
John Jensen - Aye
Betty Fitzpatrick - Aye

The Board prepared the following findings:

1. The application was complete and met applicable State and Local regulations
2. No negative concerns were raised at the Public Hearing
3. No adverse environmental concerns were found during SEQR Review.
4. Granting the Subdivisions would create two substandard lots. This could be mitigated by requiring the applicant to annex the substandard parcels to the larger lots.

John Jensen made a motion to accept these finding. Second - Betty Fitzpatrick. All voted "Aye".

Betty Fitzpatrick made a motion that the Board approve the Tobias Minor Subdivision, approval contingent upon the Applicant annexing the substandard parcels to the larger parcels and further contingent upon the Board receiving copies of amended deeds indicating this annexation within Sixty (60) days of this approval or the Subdivision will be deemed voided. Second - Jim Presley.
Roll Call Vote:
Robert Magee - Aye
Jim Presley - Aye
John Jensen - Aye
Betty Fitzpatrick - Aye

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

APPROVED

Robert Magee, Chairman

**Town of Urbana Planning Board
Minutes 4/18/00**

Board Present: Robert Magee Chairman
John Jensen Member
James Presley Member
Betty Fitzpatrick Member
Diane Costello Recording Secretary
Randy Robinson Member, arrived at 8:30 PM

Also in attendance: Marvin Rethmel CEO
David Oliver CEO

Max Tobias Sr.
Max Tobias Jr.
Robert Plaskov, Attorney
Dominic DeLancy
Nancy DeLancy
Diana Tarpin
Mr. and Mrs. James Berry

PUBLIC HEARING: Tobias Minor Subdivision Application # 2000-02SD

7:06 PM - Max Tobias Sr. and Max Tobias Jr. were present for the Public Hearing. The location of this subdivision is at 9195 Bully Hill Road, Hammondsport, NY 14840. Tax map # 30.1 and 30.2. This project is to reconfigure two existing lots. Lot #1 will gain 1.5 acres from lot #2 making it a 8.25 Acre parcel and Lot #2 will gain 1.75 acres from Lot #1 making it a 12.75-Acre lot. The actual figures after the survey come to Lot#1 with 8.536 acres and Lot #2 with 12.322 acres. This project will give road frontage to one parcel that only had an access road and even up the back of the parcels more uniformly.

There were no question from the Board Members and there was no one present from the Public to ask any questions. It was noted to Mr. Tobias that is this is granted it will be contingent upon annexing the 1.5 acre parcel to the deed 30.1 and the 1.75 acre parcel to-deed 30.2.

Public Hearing was closed at 7:12 PM.

PUBLIC HEARING: Eddy Major Subdivision Application # 2000-01SD

Opened Public Hearing at 7:15 PM. Atty. Plaskov was in attendance for Mr. Russell Eddy. Mr. Eddy's address is 202 Varian Lane, Rochester, NY 14624. The address of the parcel # 103.00-01-025.200 is 8807 Randallville Road, Bath, NY 14810. The original Lot size is 30 acres and has been divided in to 5 parcels. 1) 5.008, 2) 5.008, 3) 5.008, 4) 7.415 and 5) 7.415. The intent of Mr. Eddy is to sell the 5 acres as bare land. No question from the board and no one from the public was present to ask any questions.

Public Hearing for Russell Eddy was closed at 7:17 PM.

Before convening for the next Public Hearing the Board went ahead and filled out for The Eddy Major Subdivision SEQR Part II.

Upon review of the information recorded on the EAF and 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. John Jensen made a motion that a Negative Declaration be prepared. Mr. Presley seconded it.

Negative Declaration was filled out at that time and handed to Atty Plaskov. A copy was put in the file.

It is the determination of the Planning Board that the Minor Subdivision for Russell Eddy meets the requirements of a Major Subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. John Jensen made a motion to approve the Eddy Major Subdivision as submitted and to instruct the Chairman to sign the survey. Betty seconded it and all were in favor.

Findings:

Application is complete and in order
No negative environmental impact
Meets Major Subdivision Requirements
Meets requirements of State and Local Laws
No negative comments were made at the Public Hearing.

A motion was made by Mr. Jensen to accept the findings and it was seconded by Mrs. Fitzpatrick.

PUBLIC HEARING: Nancy DeLancey - Special Use Permit Application # 2000-011

Public Hearing was called to order at 7:33 PM. Nancy and Dominic DeLancey were present. The DeLancey's would like to open a Bed and Breakfast also called "ELMCROFT" at 8361 Pleasant Valley Road, Hammondsport, NY 14840. This is deemed applicable under Section 105-9 A, Residential District Section 2-C. As we requested a full watershed report was in the file stating that there is adequate water and sewer for the use applied for under this permit. There will be no sign. Submissions for size of parking spaces and driveway have been done. Because the drive is only 12' wide it will have to be a one way driveway. There were no questions from the Board and there was no one in attendance from the Public to ask any questions.

Public Hearing was closed at 7:40 PM.

PUBLIC HEARING: Diana Tarpin - Special Use Permit Application # 2000-004

Public Hearing was called to order at 7:45 PM. Diana Tarpin, along with Mr. & Mrs. James Berry were present. Ms. Tarpin would like to open a Bed and Breakfast at her residence, 8260 Main Street Extension, Hammondsport, NY 14840. This area is zoned residential and is applicable under Section 105.10, 2-A, calling it a Boarding House. There is a letter in the file

from Terry DeBuck, Watershed Inspector deeming the residence water and septic adequate for the use intended. Mr. Jensen asked about the parking area. Ms. Tarpin indicated that the parking would be between the garage and the house. Mr. Rethmel has measured the area and it is large enough to accommodate the amount of spaces needed. There is no turn around and she indicated that the customers would have to back out of the spaces and that they would be at an angle.

There will be a sign on the porch facing the street. Mr. Magee read in to the minutes a letter the Board received from Marion S. Searle. A copy of the letter will be attached to these minutes. She is a neighbor and strongly objects to this business being next door. Her concerns are about parking and lighted signs.

There were no more questions from the Board so the floor was opened to the public. Mr. Berry wanted to address his concern with the parking but wanted to make it clear that he was not at all against the application. Ms. Tarpin had already addressed the parking situation but all feel that backing in to a street may cause problems and that there may have to be a turn around situated somewhere on the property for customers to use.

Mr. Berry also had some general questions about Special Use Permits such as, can someone else move in and change the type of business. Mr. Magee answered that with a "No". And if the residence were to sit unused as a Bed and Breakfast, how long would the Special Use Permit be in effect. Mr. Rethmel looked up the answer and the law states that it would be 6 months and the Special Use Permit would expire.

Public Hearing was closed at 8:03 PM.

REGULAR MEETING: Opened at 8:04 PM.

Minutes were reviewed from 3/23/00 - Mr. Jensen made a motion to accept as written and Mrs. Fitzpatrick seconded. Minutes were approved. Minutes were reviewed for 3/28/00. Mrs. Fitzpatrick made a motion to accept and was seconded by Mr. Presley. They were approved as written and both were submitted to the Town Clerk.

ZBA Opinions:

1. **William Hewson** - Demolition Application #2000-030. After discussion of this case the Board decided and filed the paperwork for "No Opinion" on this matter.
2. **Michael Evarts** - Asking for a Variance to remove one parking space to increase his deck area. The discussion on this was very lengthy. The secretary was asked to file a denial of Variance for several reasons. A copy will be attached to these minutes. The secretary dropped them to the Chairman 4/19/00 for his review.

Old Business Subdivision - Pearce: CEO Oliver stated that the survey was in and that Deb was setting up a Public Hearing for 5/2/00.

Craig - Waiting for survey

Special Use Permit - Jacquier

Mr. Magee and Mr. Rethmel have to meet with Mr. Jacquier on this matter.

Mr. Jensen made another submission to the Board dated 4/12/00. This matter has to do with the **Scutt Subdivision**. There seems to be no way to issue a violation when a subdivision does not comply with conditions set forth at the time the subdivision was granted. Mr. Jensen would like to see the Board request the Town attorney to examine the facts in this particular case and make a determination as to how to proceed in making this subdivision comply or be thrown out. Mr. Jensen made a motion to have a letter written to Atty. Flynn relaying this information and it was seconded by Mrs. Fitzpatrick. All agreed. Mr. Magee offered to draft this letter and he was advised that we would appreciate a written response before us at the May 2nd, 2000 meeting.

Chairman Magee would like to look into purchasing a **Regional Map Program** to be used by the board. The cost is \$99.95. He will have to read further information on it to make sure it would be useful to the Board and compatible with at least one of the Computers at the Town Hall. A motion was made by Mr. Jensen to allow Mr. Magee to look in to this further and purchase it if he felt it was to the Board benefit. Mr. Presley seconded it and all the Board Members were in agreement.

Sign Laws - Mr. Magee brought up the topic of Mr. Rethmel issuing a "Stop Work Order" to Mike Doyle on a large barrel sign he was going to put out without applying to do so. There seems to be no way to enforce the sign laws as they are written now. Mr. Rethmel has given Mr. Doyle 30 days to apply for a Sign Permit. At that time the board will discuss what procedure must come next.

Recording Secretary, Diane Costello has submitted her resignation with a copy given to each board member and left for the Town Clerk. Her last meeting will be May 2nd, 2000.

Meeting was adjourned at 9:59.

Paper work was filled out and more light discussions were held.

Next Regular Meeting: 5/2/00

Respectfully Submitted,

Chairman, Robert Magee

Special Meeting:

At this time Mr. Jensen was asked to leave the table. John has submitted a letter to the Board asking for a Jurisdictional Determination be made under Section 88-4D of the Town Code Book that he not have to apply for a Site Plan Review to re-surface his deck on Route 54. His letter will be attached.

In light of this letter it has brought to the Board's attention that any project not deemed as a repair on Route 54 be looked at by the Board under the Concept Review Laws. The Board decided to amend the Concept Review Policy adding a dollar amount to the project that would include both materials and labor of \$2000.00. The revised Policy is attached and will be submitted to the Town Clerk.

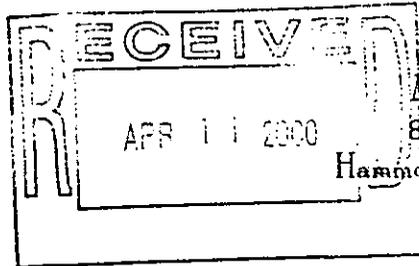
1. **James Hiel - Site Plan Review Application #2000-035** is asking to be waived. This relates to The Vinehurst Inn at 7988 State Route 54, Hammondsport, NY 14840. He wants to reconstruct a gable roof end on an existing roof. CEO's both recommended that it be waived. He is making no major changes. James Presley made a motion to waive the Site Plan Review and Betty Fitzpatrick seconded it. All the board members were in favor. Mr. Magee signed the waiver portion of the form and left it for the Town Clerk.
2. **John Jensen** - Mr. Jensen wrote a letter to the board asking it to overturn the CEO's decision to make him apply for a permit because he lives on Route 54 and is replacing his concrete deck and patio with a wooden one. The board had a lengthy discussion trying to decide if this was a repair or was it construction/reconstruction. Betty, Randy and Bob after reading the code and interpreting the type of project that Mr. Jensen was going to proceed with all agreed that Mr. Jensen's project was not a repair. Mr. Presley would have called it "simple maintenance". It is deemed as construction and should abide by the CEO's decision for him to file an application with the Town Clerk for a Site Plan Review. The secretary will write a **Jurisdictional Determination** in writing to Mr. Jensen and will attach it to the minutes of this meeting.

The issue of the amendment to the Concept Review Policy can now be voted on. Mr. Presley made a motion to amend the Policy. State Route 54 project below the \$ amount of \$2000 will not have to come before the Planning Board. It will be up to the CEO's discretion as to whether a Site Plan Review is necessary. See attached Policy Revision dated 4/19/00. Betty seconded the motion. All were in agreement.

Other New Business:

Mr. Jensen submitted a memo dated 4/12/00 to the Planning Board - attached - recommending that the second meeting a month (Work Session) be dropped from the calendar considering the work session was used wisely and the Board came up with and submitted to the Town Board a Comprehensive Plan that has not been responded to as of yet. Without the approval of the Town Board the Planning Board can not move forward to amend zoning laws and code issues. The Board decided to vote at this time. Mr. Jensen made a motion to drop the work sessions from the Planning Board calendar and Mr. Presley seconded it. The entire Board was in agreement.

Tarpin Special Use



Mrs. Donald R. Searle
8256 Main Street Ext.
Hammondsport, New York 14840

April 8, 2000

Dear Debbie,

I strongly object to the application by Liana Tarpin for a "special use permit" for a Bed and Breakfast next door to me. This is zoned Residential - so why must we change the laws for people coming to town to open a business. I would also think "parking" would be a problem for her. This only

lower the value of my
property.

I also wish you would
have a law for such B+B's -
permitting only signs which
are attached to the house -
like over a front door -
not out in the yard with
lights on it.

I think we should keep
the main road into our
town as nice looking as
possible.

Sincerely,

Marion S. Searle

Zoning Board of Appeals

March 19, 2000

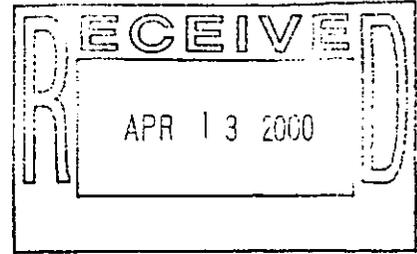
Per Application for a Variance #2000-014 for Michael Evarts please note the following suggestions:

We, The Urbana Planning Board, ask that you look at this project very carefully.

1. This location already has substandard parking area.
2. We believe this project will take up more than one parking space.
3. There is no hardship shown.
4. We were unable to find the previous folders to investigate as to whether stipulations and conditions were already set previously that would not allow this application to be processed.
5. If he intends to increase parking in another area we would possibly look at this in a different manner. With the information that we received it does not look as though he is considering any increase in parking area but is intending to increase his seating area.

Chairman, Robert Magee

From: John Jensen
75 Shethar St.
Hammondsport, NY 14840



Date: April 11, 2000

To: Urbana Planning Board

Re: Jurisdictional determination per section 88-4D of Urbana Town Code.

I am writing this letter under Section 88-4 D of the Town Code because I disagree with the CEO's opinion that in order to resurface and raise the elevation of part of an existing deck and patio seven inches, a site plan review is required.

In order to accommodate my young grandchildren, I want to re-surface part of an existing deck and the abutting concrete patio located on the lakeside of my cottage (101 E. Lake Rd.). The simplest and best method seemed to be to place another deck over part of existing deck at a height of one stair step (@ 7"). There would be no change in deck/patio size; there would be no encroachment into any yard or setback; there would be no change of use or intensity of use. This modest change does not fit the criteria for site plan review established in section 88-4 A, B, and C of the Town Code. This work would more appropriately be considered repairs and therefore should be exempt from site plan review (per Section 88-5B of the code).

I request a jurisdictional determination (in writing) in this matter from the Planning Board per Section 88-4 D of the Code.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read "John Jensen". The signature is fluid and cursive, with a long horizontal line extending to the right.

John Jensen

April 19, 2000

Planning Board Concept Review Policy Revision

Currently it is the policy as per the Town Code, to subject all projects that require a Permit to a Concept Review and, depending on 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 the applicable projects to the Town of Urbana Code Enforcement Officer(s) except that the Board shall require a Concept Review in the following circumstances:

Any projects requiring a Variance.

Any projects requiring a Special Use Permit.

All projects on Route 54 from the Bath line to the Wayne line, other than those under the construction cost of \$2000. This figure is to be derived at by combining proposed material and labor. This amendment of 4/18/00 does not include signage.

All projects in the Industrial District.

All multiple unit dwellings.

All projects involving more than one structure.

Any structure larger than 10,000 square feet.

Any projects that the Planning Board has been made aware of by the CEO or any other person(s) that have specific circumstances that may warrant an in depth review.

In an effort to track the effectiveness of this procedure the Board requests that the CEO post a list in the Clerk's office displaying the Permit number, type, location, project description and applicant's name for any permit issued and update it each time a new Permit is issued.

Submission to Planning Board by member (John Jensen)

4-12-00

RE: Working sessions. (our 2nd meeting each month)

As you will recall, we started having a second meeting each month in order to work on planning issues and code recommendations. Since we were going to meet anyway, we scheduled some "limited" regular business at this time as well. During 1999, we used this extra meeting wisely by putting together a supplement to the Comprehensive Development Plan. I say "wisely" because the Comp. Plan is the basis for development codes (Zoning, Subdivision, and Site Plan Review). Therefore it must precede these codes.

We finished and sent our recommended Comp. Plan Supplement to the Town Board for review, amendments, and approval in December of 1999. They must be giving it a careful review, as we have not heard anything to date. Since our Zoning and Subdivision Codes are based on the Comp. Plan, and since the Town Board has on its table a significant update with revised goals and recommendations, I feel that we should not formulate any recommendations for code changes till we see the final revised and approved comprehensive plan supplement.

Therefore, I move that we discontinue our "work session" meetings as well as any discussion of code changes until we receive the updated and approved Comprehensive Plan from the Town Board.

Submission to Planning Board by member (John Jensen)

4-12-00

Re: Scutt Subdivision of 1989

As you will recall, last September a group of residents reported that the above subdivision had not complied with the conditions under which it was approved. Basically, deadlines had not been adhered to and certain restrictions were not entered onto all resulting deeds.

Believing this to be an enforcement issue, our board referred this matter over to the CEO. Months later, the CEO reported to us that there was not an enforcement mechanism in the Code for him to compel compliance or to cite violators of the Subdivision law. I wrote a letter to the CEO suggesting the enforcement provisions were to be found in Sections 93-29, 93-30, and 93-31 of the Town Code. Some time later he told me that he went over my letter with the Town Attorney and the Attorney agreed with him that he had no authority to enforce the Subdivision Code. Although I personally feel the CEO is the one who should enforce the code (by citing alleged violators and therefore letting the court determine guilt or innocents) it appears that there will be no enforcement of conditionally approved subdivisions unless the Planning Board does it.

Therefore, I make a motion that our attorney be directed to examine the facts in this matter to determine if an adequate case for violation of the conditional subdivision approval can be made; and, if so, that he take all appropriate steps under Section 93-9 of the Town of Urbana Code to nullify the above subdivision and to have the plat stricken from the Steuben County records.

**Town Of Urbana
Planning Board
41 Lake Street
Hammondsport NY 14840**

Mr. John Jensen
75 Shether Street
Hammondsport, NY 14840

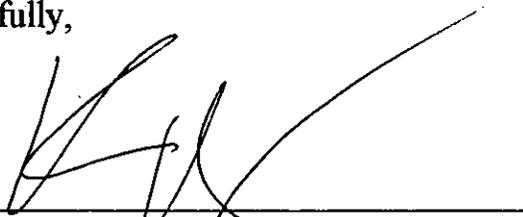
Date: May 1, 2000

Dear Mr. Jensen,

As you requested the Urbana Town Planning Board has made a Jurisdictional Determination in the matter of waiving a Site Plan Review at your East Lake Road property.

The Board finds that the Code Enforcement Officer's decision was rightfully made and in order to proceed with the resurfacing of your deck and patio you will have to apply for a Site Plan Review if you have not done so already.

Respectfully,



Chairman, Robert Magee

Amended
3-00
3-3-00

**Town of Urbana
Planning Board Minutes
April 4, 2000**

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

Others Present Dave Oliver CEO Domenic Carisetti
Marvin Rethmel CEO Laurie Stroutz
Todd Craig Mark Morrell
Frank Teall Atty. Robert Plaskov
Walt Grabowski Dan Tarpin
Patrice DeMay Calvin Stroutz
Nancy DeLancy Dominic Calabresi

A. Review of the Minutes from 2/1/00-Carisetti Public Hearing. A motion was made by Mr. Magee to approve and was second by James Presley. All Agreed.

Review of the Minutes from 3/7/00-James Presley made a motion to accept and John Jensen seconded it. All board members were in agreement.

(Minutes for 3/23 and 3/28 were not voted upon)

B. Old Business - Subdivision

1. **Bourke** - Reed Farm - No new submissions.
2. **Bourke** - Mr. Magee had a new sketch map changing the proposal to a Minor Subdivision. The Board Had not seen this plat before. There was a short discussion but feel if he is changing it that it may Have to be resubmitted as a new application.
3. **Ward** - No new submissions
4. **Tobias** - Public Hearing originally had been scheduled for 4/4 but was not advertised. It will now be left for the Clerk to schedule for 4/18/00.
5. **Russell Eddy** - Same as above. Atty. Plaskov had not received a notice that the Public Hearing had Not been scheduled. It was a Public Hearing for a Preliminary Sketch Plat Review. To avoid further Hold ups the Board waived the Preliminary Sketch Plat Review and the Public Hearing scheduled on On 4/18/00 will be the final Public Hearing. The survey's have already been done and are submitted. A roll call vote was taken. Betty-aye, Randy-aye; Mr. Jensen- abstained; Mr. Presley-aye, Mr. Magee aye. Final Public Hearing will be set for 4/18/00.
6. **Morrell** - No update
7. **Todd Craig** - Present. Application #2000-008SD. Todd Craig, 5910 Strickler Road, Clarence, NY 14031. This will be called the Craig Subdivision located on Van Amburg Road, Hammondsport. Parcel # 133.00-01-009.200. This area has been zoned Agricultural. The entire parcel is made up Of 57 acres. Mr. Craig would like to divide it in to two parcels both 28.5 acres each. No access road is proposed. The only question asked was what his plans are to do with the parcels. He answered they were raw land. He wishes to divide them as is and sell both parcels. A motion was made by Mr. Presley to accept this as a Minor Subdivision. Mr. Magee seconded it. Mr. Craig was verbally given The go ahead to have a survey done as is. To then bring 5 copies of the survey to the Town Clerk and A public hearing would be scheduled at that time. The Minor Subdivision declaration was filed out at

that time and handed to Mr. Craig. A copy went in to his file.

8. **Pearce** - Mr. Pearce was not present but submitted a letter stating that he did not have a survey yet but was in progress. As soon as it is done he will submit it to the Town Clerk for Public Hearing.

Concept Site Plan Review - Carisetti Application #99-021

The Carisetti Corporation, 124 Haverling Street, Bath, NY 14810. Their Special Use Permit was granted #99-029 and we are now proceeding with discussion on The Site Plan. Mr. DeMay and Mr. Carisetti were both present. The Board members had been asked to bring their Site Plan questions to this meeting. Mr. Jensen ask about parking. His concern was that if there was an overflow that they would put another parking lot too close to the neighboring properties. Mr. Carisetti responded that they had already put in more parking spots than was necessary according to the CEO's. Mr. Jensen also ask them to please screen their dumpster sites. Mr. Presley wanted to know if they would be receiving buses and if their was parking to accommodate them. They feel that they do. No questions from Betty, Randy or Bob.

Wheels and Wood - The Board does not feel that Mr. Jacquier has legibly filed out his application. There are many strike outs and initials. Mr. Magee said that he would notify Mr. Jacquier of this matter and then we will set up a Public Hearing.

Special Use Permit - None

ZBA Opinions - None

- Planning Issues** - 1. Sign Laws - Still have to table. We don't have enough time. - None
2. Comp Plan - Mr. Jensen expressed his displeasure in not hearing anything from the Town Board yet on their submission. - None

C. New Business - Subdivision - None

Concept Site Plan Review - Ridley - Done

Morrell - Excavation Permit Application # 2000-024 and 2000-025. These are separate applications for above the road and below the road access. Mr. Morrell was present to answer all questions. At this time he is not planning on building on the plot above the road. He only wants access to his property. After answering all the boards questions he seems to already have complied with NYSEG requirements and DOT requirements. Even the amount of earth he was moving did not warrant a permit from the Planning Board of any kind. Both applications were returned to the CEO's for their suggestions of the possible requirement of the project to be engineered and a copy submitted to the Town. All Board members were in agreement that we will require nothing of Mr. Morrell. There was a motion by Jim Presley that there would be "No Findings" on either one of these applications. Randy seconded it. Roll call vote: Magee - aye, Fitzpatrick - aye, Jensen - aye, Robinson - aye, Presley - aye.

Special Use Permit

1. **Tarpin - Application # 2000-004.** Diana Lee Tarpin, 8260 Main Street Extension, Hammondsport, NY 14840. This is the actual location of the proposed Bed and Breakfast. Dan Tarpin was representing Diana Tarpin. They are proposing 2 Bedrooms be open for rent. Marvin Rethmel has already looked over the site and there seems to be ample parking. The board would like dimensions of driveway and parking spaces for both customers and personal/employee parking. Mr. Presley had no questions. Mr Jensen ask if they were going to serve breakfast only. He answered "Yes". No other Board members had questions. Marvin noted that they were pre-existing Non conforming set backs and they all seemed to be appropriate for this project. Site Plan Review and Special Use Permit Public Hearing will be set for 4/18/00 in sequence. The secretary will submit a letter to the Watershed Inspector to have him file a copy in this file saying that it conforms to the needs of this use.

2. **DeLancy - Application #2000-011 Bed and Breakfast.** Nancy DeLancy, 8361 Pleasant Valley Road, Hammondsport, NY 14840. This is possible under Section 105-9A 2,C. The DeLancy's would like to start with the use of 2 bedrooms for the Bed and Breakfast and increase to 4. Parking requirements need 4 spaces for customers. No sign is going to be put up. There were no questions from the Board but they requested a better drawing at their earliest convenience with the lineages of the parking spaces and driveways. Also, a letter will be

requested of the Watershed Inspector to have on file that they have adequate water and septic to do this project. Public Hearing will be set for April 18, 2000 for Special Use and Site Plan Review.

ZBA Opinions - None

Planning Issues - None

At this time the Board began work on **The Carisetti Corporation Findings** pertaining to their Site Plan Review Application # 99-021.

Findings had to do with:

1. The screening of dumpsters
2. No encroachment on yard area especially parking near neighboring properties
3. Discussion of whether to ask for a landscape artist's plan for the entire area.
4. Proper screening along residential borders.

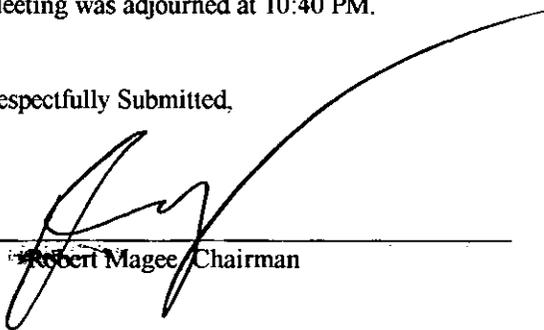
These actual findings will be drawn up and attached by Chairman Magee.

John Jensen made a motion to accept the findings for The Site Plan Review as proposed to the Chairman and it was seconded by Robert Magee. Roll Call Vote: Fitzpatrick- aye, Magee - aye, Jensen - aye, Robinson - aye, Presley - aye.

We again apologized to Mr. Oliver that we have not had time to go over the sign issues and would try in the near future.

Meeting was adjourned at 10:40 PM.

Respectfully Submitted,



Robert Magee, Chairman

Public Hearings - Tobias, Eddy, Tarpin, DeLancy 4/18/00
Work Session possible afterward.

Next Regular Meeting 5/2/00

OK
Original - I
made copies for
band but we did not
have time to go
over it
DC.

**Town of Urbana Planning Board
Minutes
March 28, 2000**

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

Also in attendance: Marvin Rethmel, CEO

Benjamin Ridley

PUBLIC HEARING

Chairman Magee opened the Public Hearing at 7:05 PM, in the matter of the Ridley Special Use Permit, Application # 2000-013, Benjamin Ridley, Jr., 9024 Glen Brook Road, Hammondsport, NY 14840. The Special Use Permit will pertain to parcel #089.00-01-032.000. Mr. Ridley would like to remove an old pole barn and replace it with another building of the same square footage to be used as a recording studio. This business will be called "Windfall Recording."

This is an agricultural district and can be approved for this use under Section 105-9, B, C, V & W. Mr. Ridley was present to answer any questions. There were no questions from any of the board members present and no one was present from the public to ask any questions.

James Presley made a motion to close the Public Hearing at 7:09 PM and it was seconded by Betty Fitzpatrick.

A regular meeting of the Planning Board convened at 7:10 PM.

New Business: Special Use Permit-Ridley Application # 2000-013.

SEQR Part II completed.

Motion#1 Ridley Special Use Permit:

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 permit will not result in any large and important impact on the environment.

Robinson made a motion that a Negative Declaration be prepared.

Seconded by Fitzpatrick. Roll call Magee-aye, Presley-aye, Fitzpatrick-aye; Robinson - aye.

Findings: Application is complete
Meets requirements of State and Local Law
No negative environmental impact
No negative comments from the public.
The Board would like to note that this business will be run on such a small scale that it will attract very little attention from the public.

Motion #2- Ridley Special Use Permit:

It is the determination of the Planning Board that the Special Use application meets the requirement of the law with sufficient compliance as to be granted status for consideration of approval or disapproval. Mr. Presley made a motion to approve the Special Use Permit, and to instruct the Chairman to file the appropriate paper work as to provide Mr. Ridley with the Permit. Randy Robinson seconded it. Roll call Magee-aye; Presley-aye, Fitzpatrick-aye, Robinson - aye.

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

Negative Declaration was prepared and left for the Town Clerk.

Chairman Magee will draw up a form for this type of approval grant of a Special Use Permit to be kept in the files to be used for further decisions of this nature.

The next order of business would be Mr. Ridley's Site Plan Review. Mr. Ridley and Marv Rethmel have already spoken and drawn out the regulated design Mr. Ridley will need to follow. The Board waived the Site Plan Review requirements and will leave it in the hands of the Code Enforcement Officer to be sure all regulations are followed. Again, this usage business usage will be so small and so far out of town that The Board feels there will be little to no difficulties concerning this Special Usage.

Old Business: Carisetti Corp-Special Use Permit #99-029.

After reconvening the Public Hearing on 3/23/00 the Board will now work on completing the application requirements.

SEQR Part II was completed.

The consensus of the Board was that this area is zoned agricultural and what better use in this area in the field of agriculture would a farm winery be. This is called Viticulture and is in it's proper place. It is a natural progression of agriculture and desirable to follow the trend.

Motion #1 - Carisetti Corp Special Use Permit:

Upon review of the information recorded on the EAF, (Parts 1 and 2 and 3) 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 Special Use Permit will not result in any

large or important impact on the environment. Motion was made by Betty Fitzpatrick that a negative declaration be prepared. It was seconded by Mr. Magee. Roll call vote: Magee - aye, Fitzpatrick - aye, Presley - aye, Robinson - aye.

Motion #2 - Carisetti Special Use Permit:

It is the determination of the Planning Board that the Special Use Application meets the applicable requirements of the law and is in sufficient compliance as to be granted status for consideration of approval or disapproval. Chairman Magee made a motion to grant the Special Use Permit, based on the findings logged below, and Mr. Robinson made a second. The chairman was directed to draw up all documentation to grant this permit. Roll call vote: Magee - aye, Fitzpatrick - aye, Presley - aye, Robinson - aye.

Findings:

1. Application was complete and met all local requirements.
2. Report from Code Enforcement Officer indicated that plans, as submitted would comply with Town Bulk and Area requirements.
3. Environmental Assessment Review indicated no adverse concerns.
4. Proposed District is zoned Agricultural. It has a mix of active agricultural, commercial and residential uses.
5. Several neighbors raised concerns, both verbal and written. (Attached to the minutes of the Public Hearing Minutes) Each concern was addressed by the applicant verbally and supplemented with a written response.
6. The primary concerns were potential depletion of the water table and disposal of waste water.
7. The applicant supplied documents from Peter Landry, Cornell University and Paul Bauder, KWIC that indicated that there was adequate water and that the septic system would be required to meet both KWIC and NYS Board of Health standards.
8. An adjoining property owner indicated that their well supplied water at such a rate that it had to have a restrictor placed on the intake.
9. The applicant addressed questions regarding property values by submitting a document from a local realtor that indicated that such a project may increase adjoining property values.
10. Concerns regarding hazardous ingress/egress along Rte 54 were addressed by the applicant who indicated that they would alter their plans and limit all ingress and egress to The Fish Hatchery Road.
11. The applicant indicated that they would screen the project from adjoining properties by leaving existing vegetation and/or planting adequate vegetative cover.
12. The Board recognizes that this is zoned Agricultural and is an active vineyard. Farm wineries are both a natural and common outgrowth of viticulture. History indicates that that exact scenario was the primary reason for the development of this region, and therefore is desirable.

Chairman Magee made a motion to accept these findings and Randy Robinson seconded it. Roll call vote: Magee - aye, Robinson - aye, Presley - aye and Fitzpatrick - aye.

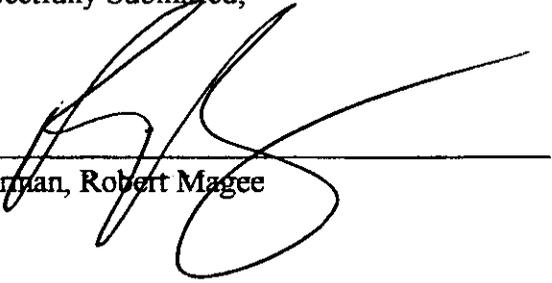
Site Plan Review of Carisetti Corporation will be discussed at the 4/4/00 meeting.

Tobias Public Hearing was not advertised for the 4th of April so the Board notified the Urbana Town Clerk to advertise the Public Hearing for Tobias on April 18, 2000. Also, Mr. Russell Eddy's Public Hearing was moved to April 18, 2000 because of no advertisement. Mr. Pearce submitted a letter stating that he had not received a notification of what he was to do next. Mr. Magee was going to phone him and verbally let him know that we told him to go ahead with a survey at the last meeting. We were under the assumption that he already had it surveyed and scheduled a Preliminary Sketch Plat review for 4/4/00. The secretary left a form of notification with the Urbana Town Clerk to also notify Mr. Pearce of this information in writing.

Next Meeting: 4/4/00

2 - Public Hearings scheduled for 4/18/00

Respectfully Submitted,



Chairman, Robert Magee

**Town of Urbana Planning Board
Minutes
March 28, 2000**

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

Also in attendance: Marvin Rethmel, CEO

Benjamin Ridley

PUBLIC HEARING

Chairman Magee opened the Public Hearing at 7:05 PM, in the matter of the Ridley Special Use Permit, Application # 2000-013, Benjamin Ridley, Jr., 9024 Glen Brook Road, Hammondspport, NY 14840. The Special Use Permit will pertain to parcel #089.00-01-032.000. Mr. Ridley would like to remove an old pole barn and replace it with another building of the same square footage to be used as a recording studio. This business will be called "Windfall Recording."

This is an agricultural district and can be approved for this use under Section 105-9, B, C, V & W. Mr. Ridley was present to answer any questions. There were no questions from any of the board members present and no one was present from the public to ask any questions.

James Presley made a motion to close the Public Hearing at 7:09 PM and it was seconded by Betty Fitzpatrick.

A regular meeting of the Planning Board convened at 7:10 PM.

New Business: Special Use Permit-Ridley Application # 2000-013.

SEQR Part II completed.

Motion#1 Ridley Special Use Permit:

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 permit will not result in any large and important impact on the environment.

Robinson made a motion that a Negative Declaration be prepared.

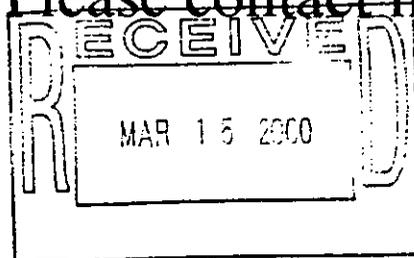
Seconded by Fitzpatrick. Roll call Magee-aye; Presley-aye, Fitzpatrick-aye; Robinson -aye.

Description of Windfall Recording
9024 Glen Brook Rd.
Hammondsport, N.Y. 14840
(607)569-9390

Windfall is a full service professional recording service specializing in complete music production. This includes all areas of album production, including final mastering. Other services include:

Demo tapes
Radio spots & PSA's
Archiving & Restoration
Location recording
Small run CD duping
Sound for picture
Sound for multi-media

The main goal of Windfall is providing groups as well as individual artists a world class facility in a creative environment. Tracking, over-dubs and final mixing can take place without the traditional distraction of urban CHAOS! Sessions can last from one day for demos, to many days for album length projects. Re-mixes can be done without artists present due to powerful automation currently available. Many services can even be done over the internet. Please contact me with any questions.



Thank you,
Benjamin Ridley

Robert and Jessie Johnson
2335 Three Bridge Rd.
Powhatan, Va. 23139
February 18, 2000

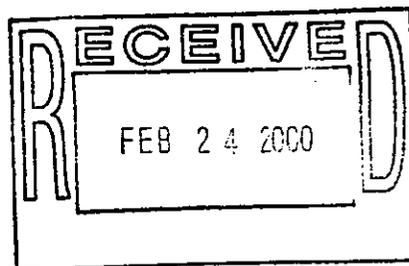
Debbie Pierce, Town Clerk
41 Lake St.
Hammondsport, N.Y. 14840-0186

Dear Debbie,

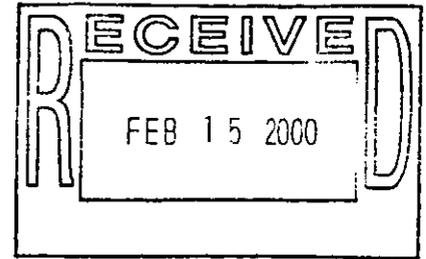
We understand that a winery and retail store are proposed for the property located between Rt 54 and Fish Hatchery Rd. As a property owner on Fish Hatchery Road, we have some concerns and misgivings. We are concerned about the value of our property declining, about the amount of water this type of business would use and how it would affect our water supply, the increased traffic on both Fish Hatchery Road and Rt 54.. Also since some wineries have failed in the past few years, should this one also fail, would we be left with "eyesore" vacant buildings? We are opposed to this proposal for the above mentioned reasons.

Sincerely,

Robert I. Johnson
Jessie Johnson
Robert and Jessie Johnson



Hugh E. and Kathleen R. Hiney
7459 Fish Hatchery Road
Bath, NY 14810
February 15, 2000



Concerns over rezoning for a proposed winery and retail store at the property between Rt. 54 and the Fish Hatchery Road near the intersection of Rt. 54 and Co. Rt. 88, Hammondsport, NY.

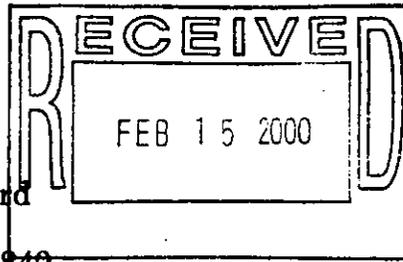
1. water table - We have lived at 7459 Fish Hatchery Road for 21 years, 7 months and never had a problem with our well.
2. sewage -
3. traffic congestion - Because of the nature of the road, cars have a tendency to go at high speeds. With the volume of traffic increasing is it going to create more hazardous conditions?
4. noise
5. odor
6. Our property value - a local real estate broker told us that the value of our property will decrease with rezoning.

We moved to this location because the area was zoned and we wanted the rural setting for our family. If this property is rezoned does it mean that we [or future owners] of our property can get this land rezoned this easily?

We assume all the town zoning board members live in a rural setting. How would any of you like this or something comparable going up across the street from your home?

A small, handwritten checkmark in the bottom right corner of the page.

Glen Sincerbox
7506 Fish Hatchery Road, Bath, New York 14810



Robert Magee, Chair
Town of Urbana Planning Board
Urbana Town Office
Hammondsport, New York 14840

February 10, 2000

RE: Carisetti Corporation, Renaissance Wine Cellars

Dear Mr. Magee,

I am the owner of property directly adjoining the above-captioned project, Application Numbers 99-021 & 99-029. I have reviewed the Applicant's submissions, and while I am not opposed in principle to the proposed development, I do have several questions and concerns as to the proposed project's impact on my property. The majority of my concerns relate to issues of water quality, water quantity, and solid/liquid waste treatment and disposal. I am also concerned about the ultimate scope of the project which is not addressed in the Applicant's submissions. In particular, could the Board address the following areas?

Application for Concept Review, No. 99-021

"Intended Usage": "Business" is indicated, however I believe the correct usage will be "Industrial". In the Applicant's Description of Intended Project, the operations to be conducted include "the manufacture, packaging, and sale of... wines." I believe that Manufacturing is an "Industrial" enterprise, even if it is based upon agricultural materials.

"Variance Required": Applicant submits that the property is currently zoned as Agricultural. If the Proposed Use is Industrial, will a Zoning Variance be required for the project?

Zoning Board of Appeals, Application for Special Use Permit...

"7. Proposed use of premises": If a "winery" is the proposed use, should this item be entered as "Industrial"?

"12. List names of persons...": no data is supplied. Please add my name to the list of property owners affected by this project.

Application for Wastewater Treatment System Construction Permit

"Other Sites": I believe the project as presented combines both "Industrial" and "Commercial" components.

"Is there a well or water supply...": Applicant indicates "not sure". Clearly this is not acceptable.

Brief Description of Intended Project (August 4?, 1999)

Concerning the two existing barns "bordering a right of way": Applicant proposes utilizing one barn as a "winery" and the other as a "retail store" with excavation for parking in between. The cited "right of way" is on my property and is, in fact my residential driveway. Such Industrial/Commercial uses of these existing buildings is totally unacceptable. The Applicant has neither contacted me with

regard to this proposal, nor sought my permission to make any changes or improvements to the Right of Way. Is this document a current proposal, or has it been superceded by the document of the same title dated 11/1/99?

Brief Description of Intended Project (November 1, 1999)

"The production area will include a floor drain that feeds into a dry well for process water..."

"Directly outside the production area will be the grape pressing operation.": How does the Applicant propose to treat and dispose of the industrial waste from these two sources? The Applicant's submission does not contain engineered plans for waste treatment. Will the Applicant be required to obtain a SPDES Permit prior to operating the proposed winery?

State Environmental Quality Review Form

"A3. Soil type": Is "Sand gravel" the correct description? What is the soil composition in terms of standard NYS Soil Suveys classification?

"A8. Depth of water table": How was this value derived? I believe my water table (and immediate neighbors) is significantly lower than 30 feet.

"B1g. Vehicular trips per hour": If only 6 trips per hour are anticipated, why are "69+" parking spaces provided with "16+ acres to put in more parking if needed"?

"B12. Surface liquid waste/type of liquid waste": Is this permissible for industrial, "sewage, wastewater"? If so, how much liquid waste will be discharged in this manner?

"B13. Subsurface liquid waste disposal": Is "septic, drywell" consistent with standards for disposal of industrial winery wastewater?

"B16. Solid waste": Is it true that the proposed project will not generate any solid waste? How does the Applicant plan to dispose of grape pumace from the "grape pressing area"? How much grape pumace will be generated annually? Will the Applicant utilize diatomaceous earth filtration, and if so, how will the spent DE be disposed of?

"B19. Odors": Can this be established without details of proposed liquid and solid waste management plans? Lagoons or ponds can be very offensive. Also piles of rotting grape pumace (e.g. currently along SR 54) can produce serious odor, insect, and mold spore problems.

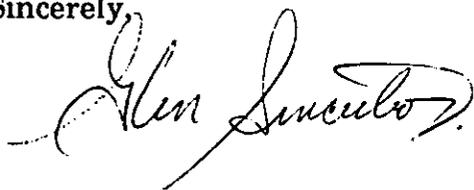
"B23. Water usage": How was this calculated? Is 100 gallons per day a realistic value? I believe the "Retail operation" alone will use much more than this, and the winery will certainly use vastly more. What is the maximum annual number of gallons of wine to be produced at the proposed winery? What is the maximum tonnage of grapes to be processed annually? The drought of the last two years has seriously limited my water supply. Will the proposed winery be able to access enough well water for its operations without damaging the quality and/or quantity my water source?

"C4. Proposed zoning": Shouldn't this be Industrial?

"C12. Traffic": If the proposed action will not generate significant traffic above present levels, why are "69+" parking spaces being provided, as well as two driveways "to reduce the possibility of accidents and slowdowns."

I am concerned that the proposed project may adversely affect my groundwater both in terms of quality and quantity. I am also concerned that unless managed in a carefully-planned and precise manner, that the proposed winery may create significant odor and traffic problems for me and my neighbors. Particularly with regard to waste treatment, the Applicant's paperwork raises more questions than it answers. I regret that until my questions and concerns are answered to my satisfaction, I shall strenuously oppose this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Glen Suncato". The signature is written in dark ink and is positioned below the word "Sincerely,".

**ANSWERS TO QUESTIONS AND CONCERNS
THE CARISSETTI CORPORATION
APPLICATION #99-021-99-029
REPORT #2**

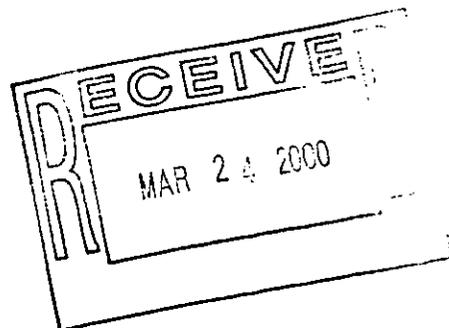
These answers are an addendum to the first report based on additional input from the following resources:

Paul Bauter - Keuka Watershed Improvement Cooperative
Todd Miller - US Department of the Interior - US Geological Survey
Robert Deuel - Owner Four Star Realty

1. The original estimates for estimated water usage are revised based on conversations with Paul Bauter who worked on the recent redesign of Vinifera Wine Cellars waste system. That system is a 990 gpd discharge based on annual sales of 25,000 cases. We foresee that level of volume in about 10 years and not in 4 years as originally stated. The system designed for us at this time will handle 990 gpd. When we foresee our level of business exceeding 25,000 cases, we will apply to the Town Planning Board to review our situation at that time to go to the next step. We will use a standard septic system with a leach field. The leach field will be located at least 200 feet from any neighboring water supply. A preliminary leach site is established by KWIC based on percolation testing. There will be two traps on the waste line from the winery before the septic system - one inside the wine cellar to trap DE and one outside to trap skins, seeds, and stems from the grape press.

2. Backing up the comments of Peter Landre is Todd Miller of the US Geological Survey. In speaking with Mr. Miller by phone, he indicated that the range of water we expect to use (even to a maximum of 2500 gpd) will have little impact on amount of available water and the water level in the aquifer on which the land sits. He confirmed that a distance of 200 feet from the nearest residential well should result in negligible interference on any surrounding wells.

3. On March 21, 2000, Mr. Demay and I decided not to pursue construction of an entryway on Route 54 into the winery. Upon further review, we both feel that an entryway on Route 54 would be treacherous as well as confusing for travelers heading north. All entry and egress will be on the Fish Hatchery Road only and we will work with the Town Code Enforcement officer to establish a suitable sized and safe driveway.



4. In a letter to our company from Bob Deuel, in his opinion, there should be no reduction in any properties in the immediate or adjacent area to the proposed winery based on both the current commercial influence in the area and the fact that we adhere to all local building codes.

Documentation of Questions and Concerns

What is your intended production the first year you are in business at this location?

Is this going to be enhanced over the next five years and by how much, if so?

This information will help in answering many of the other questions to follow.

It was suggested that there is a possibility of reports generated by Cornell that may document usage of water and production of waste created by a winery of this size that may be attainable in order to help with these projections.

WATER & WASTE:

Where and what is your water source?

What do you project as water usage over the course of your production?

For the first year.....vs.....five years?

What do you project as your waste production (pumice, etc...)?

For the first year.....vs.....five years?

How will you dispose of that waste? (Consider site, odors and pests)

Does the DEC have regulations on the disposal of waste mater and what are they?

How will waste water be handled?

Will there be DE to deal with? If so how do you intend to handle it?

TRAFFIC:

Will the increased traffic flow and slow moving vehicles increase the accident rate for this already treacherous section of highway on Route 54?

There are several hidden driveways and problems also on the Fish Hatchery Road. We need to see the design of how incoming and outgoing traffic will flow.

Will the Right of Way used by Mr. Sincerbox be used for business traffic flow? If not, what will it be used for, if anything?

MISCELLANEOUS:

Will the surrounding residents property values decrease?

Should this business be labeled "Industrial"?

What soil type covers this location?

Of the three existing buildings which ones will be removed and which ones will stay. What will be the use of the ones that are left standing?

Will there be industrial waste to be disposed of?

What vegetation will be removed and why?

What vegetation will be planted, where and why?

Do you intend to SELL food?

Summary:

The main question seems to stem from the concerns of the neighbors that have existing wells that have supplied them with sufficient water supplies and have never run out, even during a drought. Is there any action of recourse for them in the future if the Winery dries their wells? And what exactly is the possibility of this happening?

Can a cap be put on their water usage?

Questions gathered by:

Diane M. Costello
Recording Secretary, Urbana Planning Board

WILLIAM B. JOINT
ATTORNEY AT LAW
12 WEST PULTENEY SQUARE
P.O. BOX 346
BATH, NEW YORK 14810-0346

Fax: (607) 776-0696

Telephone: (607) 776-0695

March 8, 2000

Town of Urbana Planning Board
Attn: Bob Magee, Chairman
c/o Town of Urbana
41 Lake Street
Hammondsport, NY 14840-0816

FAXED AND MAILED

Re: The Carisetti Corporation
Our File No.: J99.135

Dear Mr. Magee:

In follow-up to our telephone conversation on March 3rd this is to advise you that I have met with my clients and have reviewed the questions gathered by Diane M. Castello, recording secretary for the Town of Urbana Planning Board. I am forwarding to you at this time a draft prepared by Mr. Carisetti of responses to those concerns as well as a letter from Peter Landre, Water Quality Specialist for Cornell Cooperative Extension. My clients are able to address all necessary concerns and would like this matter promptly scheduled for the next available date. My clients prefer either March 16th or 17th or an evening on March 21st, 22nd, 23rd, or 24th. Please call me as soon as possible to schedule a date and time for this special meeting.

If, upon your review, you believe my clients may need additional information I would appreciate being notified. Again, our goal is to fully satisfy all concerns at the next meeting and obtain site plan approval as well as the special use permit.

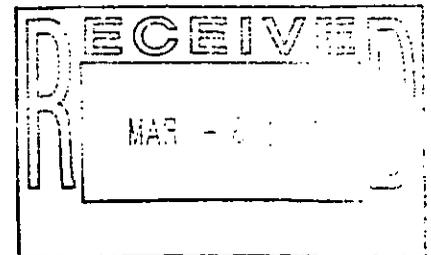
Thank you for your time and attention to this matter.

Very truly yours,


William B. Joint

WBJ/lm

cc: The Carisetti Corporation - Attn: Domenic Carisetti



Cornell Cooperative Extension

Yates County

110 Court Street
Penn Yan, NY 14627-1130

Tel: 316 536-6123
Fax: 316 536-6117
yates@cce.cornell.edu

2/29/00

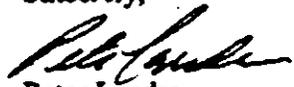
Patrice S. Demay
206 Fairview Drive
Bath, New York 14810

Dear Mr. Demay:

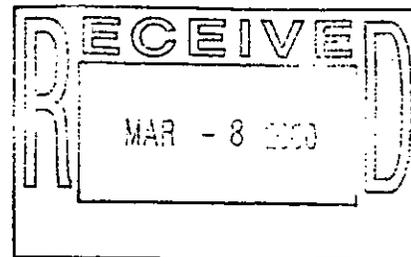
Thank you for your inquiry regarding water supplies for your proposed winery on NYS Route 54, in the Hammondsport valley. After reviewing the soils in the Steuben County Soil Survey, the soils on your property are Howard gravelly loam and Ovid Silt loam, the primary soils being Howard. These soils, and the parent materials on which they were formed, are considered to have an excellent potential for groundwater production because of the glacially washed sand and gravel materials. Water yields of greater than 100 gallons per minute and up to 500 gallons per minute are not uncommon for these types of water bearing materials. The actual water yields for your property may vary significantly depending on a number of hydrogeological factors (composition of sand and gravel, depth of material, and well recharge area), however, the likelihood of high yields is great.

Not far up the valley, New York State sited the State Fish Hatchery precisely because of the excellent water production and water quality found in the Hammondsport valley. Another information source is local well drillers familiar with the specific area. They might be able to give a more precise estimate of well depths, water yield and areas on your property to site the well.

Sincerely,



Peter Landre,
Water Quality Specialist



Helping You Put Knowledge to Work

Cornell Cooperative Extension provides equal program and employment opportunities. NYS College of Agriculture and Life Sciences, NYS College of Human Ecology, and NYS College of Veterinary Medicine at Cornell University, Cooperative Extension associations, county governing bodies, and U.S. Department of Agriculture, cooperating.

**ANSWERS TO QUESTIONS AND CONCERNS
THE CARISSETTI CORPORATION
APPLICATION #99-021 AND # 99-029**

1. We do not want to address any questions pertaining to our intended production because we consider this to be proprietary information that can be used by our competitors. However, we prefer to address our estimated average daily water usage for the next 10 years:

Year 1-2:	500 gallons per day
Year 3-4:	1000 gallons per day
Year 5-6:	1500 gallons per day
Year 7-8:	2000 gallons per day
Year 9-10:	2500 gallons per day

Usage is based on the following documented information provided by Paul Russell, P.E., JR Engineering P.C., 579 Filkins Road, Newark NY 14513. Mr. Russell is a licensed engineer in the states of New York, Pennsylvania, and Florida. He practiced consulting environmental engineering for 37 years after graduation from Rensselaer Polytechnic Institute. He is president of JR Engineering P.C., a civil/environmental consulting firm. He has been responsible for the design of wastewater treatment systems for Widmer Wine Cellars, Taylor Wine Company, Welch Foods and other wine and grape processors:

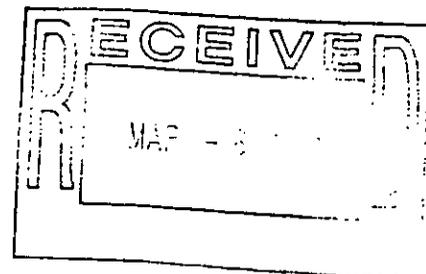
- a. About 100 gallons of wastewater is generated per ton of grapes pressed.
- b. About 15 gallons of wastewater is generated per case of wine produced.

NOTE: The letters by Peter Landre and Todd Miller will be inserted here as well as any documentation from local well drillers.

2. Water source will be from a drilled well located at least 300 feet from the nearest residential well. Projected water usage is listed above and also includes estimated usage for retail store. In every instance of water usage, the most recent technology used to conserve water will be employed for toilets, appliances, winery process equipment, etc. We expect that by Year 10 we will be able to tap into the pipeline from Hammondsport and use any water from the well as an emergency back-up system.

3. These are the types of liquid waste we will generate:

- a. Domestic sewage (toilets)
- b. Washwater (dishwasher and sink from retail store, rinsing wine bottles)
- c. Process washwater (cleaning winery equipment such as tanks and grape presses)



Waste discharge will be into a subsurface system consisting of a septic tank and leach field. This system will strictly adhere to specifications issued by the Keuka Watershed Commission and, as such, must be approved by them before any discharge can begin.

4. These are the types of solid waste we will generate:

- a. Skins, seeds, stems that get washed off the surfaces of grape pressing equipment. This material will be removed by a basket strainer located in the plant drain system, accumulated and then tilled into the soil in our vineyards.
If this poses a problem, we have assurances from area grapegrowers to dispose of this material on their vineyards, away from residential areas.
- b. Grape pomace removed during the pressing operation or after fermentation will be handled in the same manner.

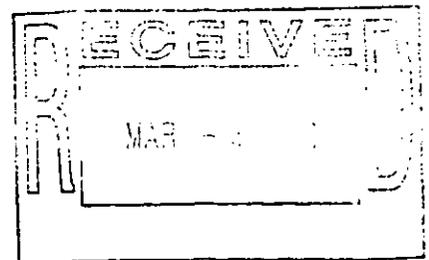
5. Regulatory agencies concerning waste disposal:

There were questions pertaining to DEC involvement, the need for SPDES permits, EPA, etc. Typically the Town Code Enforcement person working with the Watershed Inspector administers rules pertaining to domestic sewage. The NYS Department of Health administers the processing of approval applications for subsurface disposal systems. The DEC discharges the State SPDES permit system for surface waste discharge. Pomace is not considered to be a surface discharge and, as such, we do not require a SPDES permit. However, we will comply with all State rules and regulations pertaining to this operation.

6. We will use DE (Diatomaceous Earth) in our operation. It will be disposed of in the garbage and carted to the landfill. We expect to use less than 25 lbs each week. Our main preference for filtering wines is crossflow filtration, which uses no DE.

7. The NYS DOT will construct the entrance into the winery from Route 54. We are working with them on sign placement to minimize traffic problems on Route 54. The Town of Urbana will work with us on the entrance/egress from Fish Hatchery Road to minimize traffic problems there. The Right of Way next to Mr. Sincerbox house will not be used for business traffic flow. The open brown barn will be enclosed on the side facing the right-of-way and a door installed on the side facing the entrance to Route 54 on our property. That building will house empty glass bottles. The gray barn doors facing the right of way will be enclosed and a door installed on our side for access. This barn will house farm and groundskeeping equipment. Any usage of the right of way will be minimal. The small green house on Route 54 will be removed.

8. In speaking to area realtors (a letter is forthcoming from Bob Deuel to that effect), based on our plans to build a nice looking winery with nice landscaping, property values will not decrease and in fact should increase. Undeveloped land near Heron Hill Winery is now selling for \$2000/acre almost as much as developed vineyard property. Homes on

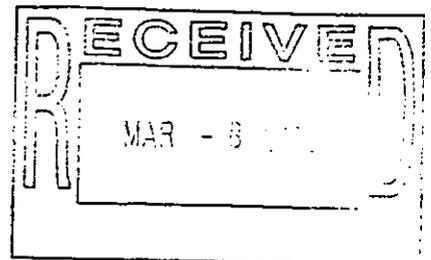


Bully Hill, near Bully Hill Vineyards, sell for \$90,000-100,000. In general, residential homes near wineries increase in property value.

9. We plan to develop the property into an elegant site. The winery will be upscale with an emphasis on landscaping. The retail store will feature tiled floors, chandeliers, a hand carved tasting counter, etc. Vegetation slated for removal would be wild grapevines and brush that deter from the beauty of the land. The Route 54 slope will be cleaned up as will the Fish Hatchery side. Part of the Niagara vineyard will be removed so the winery can sit in the middle of the vineyards to take advantage of the beautiful view of offered by the Robinson Vineyards, next to the old Taylor winery.

10. We do intend to sell food. We will sell packaged cheeses, chocolates, Italian pastry at the retail store. We will also feature hot snacks with the wines.

The whole point of why we are doing this winery needs to be emphasized. We are in business to create jobs for people with disabilities and people on public assistance. This winery will be a teaching winery, an extension of Corning Community College, to train people in the necessary vineyard and winery skills to obtain employment at any winery, not just ours. We feel we are doing our industry a service that is long overdue. Our reason for locating on this property is that at one time Hammondsport was the center of the Finger Lakes wine industry but has since lost that distinction with the demise of Taylor Wine Company and the shift of wineries to Seneca and Cayuga Lakes. Both of us worked in Hammondsport during its heyday as the center of the wine industry and we would like to see some of that excitement return here. We are very community oriented. Ten percent of our gross sales stay in the Bath/Hammondsport community to support those organizations that seek to reclaim human potential. Our winery will be built by people with disabilities and people on public assistance because we believe in building our organization from the ground up. We put out money where our mouth is. We cashed in our IRA's to buy this land because we believe strongly in our mission. We will be the best neighbor and are sensitive to your concerns. It is not our intention to alienate our neighbors. Our intention is to create community wealth and this is where we want to be.



OK

**Town of Urbana Planning Board
Public Hearing - Carisetti Corp.
March 23, 2000**

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

Public Present: Howard Shipp Mary Shipp
L. Alan Whitaker Phyllis Whitaker
Kathleen Hiney Betsy Carisetti
Charmaine L. DeMay Marianne Simons
Patrice S DeMay Glen Sincerbox
Dominic Carisetti Bill Joint

Public Hearing was reconvened at 7:06. First Public Hearing was on 2/15/00 and was recessed to give applicants time to respond to questions compiled by the Board secretary with the concerns of the Board and residents of the neighboring properties.

Public Hearing: Carisetti Corp, Site Plan Review Application #99-021 and Special Use Permit #99-029. The Corporation address is 124 Haverling Street, Bath, NY 14810. The location of this project is located on Rte 54 between Hammondsport and Bath. The intent is to run a producing winery and small retail shop selling wines and packaged food items.

The main concerns from the first hearing were related to water, waste and property value. A letter was written to our Town Watershed Inspector requesting his help in obtaining a historical record of usage of water in a producing winery. Chairman Magee read the response to this letter from Terry DeBuck referring us to a Water Quality Specialist, Peter Landre. Letter attached. Also attached is a letter attained from Robert E. Deuel, Broker/Owner for Forest H. Clark Realty stating that he felt no property assessments would change. Also a letter is attached from Peter Landre evaluating the types of soil that are located on their parcel of land potential groundwater production.

At this time Mr. DeMay took the floor and responded to the questions issued to him by the board. The water issue was addressed first. The information they were provided with concerned an aquifer providing more than adequate water supply for everyone in the valley. Regulatory agencies will be involved in the setting up of systems for use of all incoming and discharge water matters by this facility.

Information supplied to them suggests that if there well is 200-300 foot from anyone else's in the valley they should have no effect on their water supply. They intend to use from 500-999 gal water per day.

Septic tank and leach field will be designed by Paul Bauder through The Keuka Watershed. Solid waste will be screened first inside the winery, diminishing the waste. They have spoken to other grape growers that will use the remainder of the solid waste on their own property or it will go to a landfill.

Traffic: Ingress/Egress. They have decided to move the incoming traffic to The Fish Hatchery Road. They felt, after watching traffic go up and down Route 54 that it would cause less of a traffic hazard to move both incoming and outgoing traffic to the Fish Hatchery Road.

The right of way was discussed for Glen Sincerbox and will not at all be used for the public.

The Carisetti Corp ask another realtor to evaluate the properties adjoining their property to consider a depreciation in their property value. They have assessed, with the looks of the winery that The Carisetti Corporation wishes to construct, that there will be no great impact or change of value to the surrounding properties.

The question of "Will it be classified as Industrial" was passed to Marvin Rethmel to answer. The classification has not yet been determined but this is an Agricultural District and can not be zoned as Industrial but with a Special Use Permit this parcel itself could possibly be deemed Industrial.

Soil classifications were discussed.

The little green building will be removed. The other 2 buildings will be used, one for storage and the other for lawn tools and odds and ends.

The older landscape will be left in tact and ragged shrubbery will be removed. New vegetation will be planted such as flower beds.

They will sell packaged food. They will not be running a restaurant.

Mr. DeMay closed by stating they desire to be a teaching winery. The people they intend to employ will come right from this area. They want to help provide people with no training to get another job in this type of business. They want to work closely with Steuben ARC and the local employment agencies. They want in no way to work against the community in any negative way.

The Board was asked if they had any questions for Mr. DeMay or Mr. Carisetti: Betty-no questions, Randy-no questions, John-no questions, Bob-no questions

Questions were asked of the public.

Mr. Shipp ask if the Concord Vineyard would stay. Yes.

Whitakers expressed again their concern over the water but admitted they have more than enough pressure and supply. They ask if any of the water could be reclaimed. The response was that

there would be so little that it probably would not make much of a difference but they would look in to it.

Glen Sincerbox again ask if it was going to be classified as Industrial. Again, at this time it will yet need to be determined. If it is deemed as Industrial The Carisetti Corp. says they will apply to whatever conditions are set upon them. Glen also ask about employment. The Carisetti Corp. is probably going to employ about 4-5 full time employees and try their best to be a teaching winery. There will be employees pulled from ARC and surrounding college students. There is a possibility of 15-20 employees in a years time.

The public was assured that there was an architectural drawing done for the building.

The owners are involved in working with Corning Community College. College students can conduct experiments and projects and have hands on wine making experience.

Both Mr. Carisetti and Mr. DeMay have worked in the Wine Industry for many years and also have teaching experience.

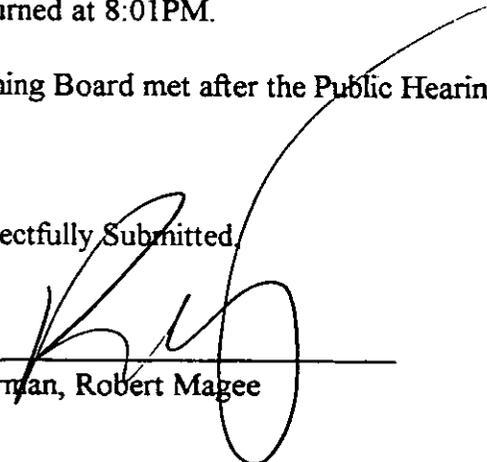
The next decision by the Board needs to be whether to grant the Special Use Permit and what it will be classified under. Then there is the actual Site Plan to review. There will be no decision made this evening. Chairman Magee advised everyone that the Board needs to fill out a SEQR and the questions raised during these two sessions really need to be discussed among the board members at length and to possibly make a physical visit to the site before reaching a final decision.

Mr. Joint made a plea to the Board to be as expedient as possible. They would like to begin serious business. If there are any questions please get ahold of himself, Mr. DeMay or Mr. Carisetti as soon as possible. They desire to work with the Board and will answer any and all questions quickly. Plea was noted.

Mr. Magee made a motion to adjourn and was seconded by Mr. Jensen. Public Hearing was adjourned at 8:01PM.

Planning Board met after the Public Hearing to decide how to proceed from here.

Respectfully Submitted,



Chairman, Robert Magee

HOWARD SHIPP	7426	FISH HATCHERY	BATH, NY
MARY SHIPP	"	"	"
L.A. WHITAKER	7430	"	"
P.M. Hatcher	"	"	"
Kathleen Hiney	7459	"	"
Betsy Carusetti	124	Haverling St.	Bath, NY
Charmaine L. DeMay	206	Fairview Drive	Bath NY 14810
MARIANNE SIMONS	7979	ET SQ	BATH NY 14810
Alan Lunsford	7506	"	"
Patrice S. DeMay	206	Fairview Drive	Bath NY 14810
DONALD CANSETTI	124	Haverling St.	Bath, NY 14810
Bill Junt	12	W. Putney Sq.	BATH, NY 14810

Town of Urbana

41 Lake Street
P.O. Box 186
Hammondsport, New York 14840

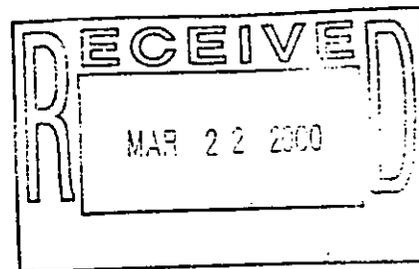
Office of Code Enforcement

03/22/00

To: Town of Urbana Planning Board
41 Lake St.
Hammondsport N.Y. 14840

From: Watershed Inspector, Town of Urbana

Re: Carisetti Corporation
Special Use Permit



Dear Planning Board Members,

In response to your letter to me dated 3/13/2000, in which you request information concerning water usage for the proposed winery, I can only refer you to the letter from Peter Landre, Water Quality Specialist which is attached to this letter and to the response from The Carisetti Corp., in which the state that the average daily water by their year 9-10 will be 2500 gallons per day.

Based on the water usage of 2500 gallons per day, and on information supplied by Mr. Paul Bauter, Watershed Manager, the wastewater system will need to be designed by a licensed design professional and approved of by the New York State Department of Environmental Conservation.

Sincerely,

A handwritten signature in cursive script that reads "Terry DeBuck".

Terry DeBuck, Watershed Inspector
Office of Code Enforcement

Cornell Cooperative Extension

Yates County

110 Court Street
Penn Yan, NY 14827-1130

Tel: 315 536-5123
Fax: 315 536-5117
yates@cce.cornell.edu

2/29/00

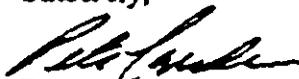
Patrice S Demay
206 Fairview Drive
Bath, New York 14810

Dear Mr. Demay:

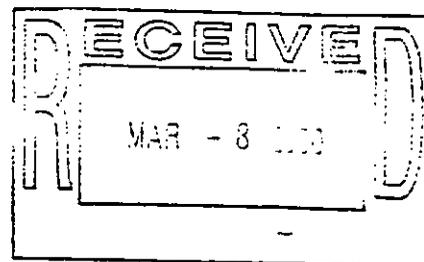
Thank you for your inquiry regarding water supplies for your proposed winery on NYS Route 54, in the Hammondsport valley. After reviewing the soils in the Steuben County Soil Survey, the soils on your property are Howard gravelly loam and Ovid Silt loam, the primary soils being Howard. These soils, and the parent materials on which they were formed, are considered to have an excellent potential for groundwater production because of the glacially washed sand and gravel materials. Water yields of greater than 100 gallons per minute and up to 500 gallons per minute are not uncommon for these types of water bearing materials. The actual water yields for your property may vary significantly depending on a number of hydrogeological factors (composition of sand and gravel, depth of material, and well recharge area), however, the likelihood of high yields is great.

Not far up the valley, New York State sited the State Fish Hatchery precisely because of the excellent water production and water quality found in the Hammondsport valley. Another information source is local well drillers familiar with the specific area. They might be able to give a more precise estimate of well depths, water yield and areas on your property to site the well.

Sincerely,



Peter Landre,
Water Quality Specialist



Helping You Put Knowledge to Work

Cornell Cooperative Extension provides these programs and opportunities through the NYS College of Agriculture and Life Sciences, NYS College of Human Ecology and NYS College of Veterinary Medicine at Cornell University, Cooperative Extension associations, county governing bodies, and U.S. Department of Agriculture, cooperating.

LAKE PROPERTY
HOMES • FARMS



RECLAND
COMMERCIAL

ROBERT E. DEUEL
Licensed Real Estate Broker/Owner

PHONE 607-776-2181

43 GENEVA ST.
BATH, NY 14810

607-776-6542 FAX

15 March 2000

To Whom it May Concern:

The construction of a Winery, located between Rt. 54 and Fish Hatchery Road, in the town of Urbana, presently owned by Dominic Carisiti. Tax Map # 131.00-01-090.12.

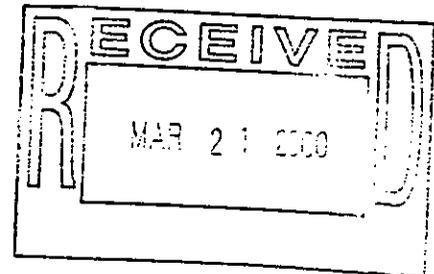
Based on the current commercial influence in the area, Re; Pleasant Valley Inn, Vinehurst Motel, A+ Mini Mart. In my opinion, there will be no reduction in the property values to any residence in the immediate or adjacent areas. Given any development is done per any governmental codes or laws.

Your's Truly:

A handwritten signature in cursive script, appearing to read "Robert E. Deuel".

Robert E. Deuel
Broker/Owner
Forrest H. Clark Realty

cc: Dominic Carisiti



RECEIVED
APR 19 2000

**Town of Urbana Planning Board
Minutes
March 7, 2000**

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

Also in attendance:

Marvin Rethmel CEO
David Oliver CEO
Atty. Robert Plaskov
Benjamin Ridley Jr.
David Pearce
Mr. Morrell

A. Review of Minutes: No one had the Minutes for the February 1st meeting with them so they will be resubmitted and voted upon at the next regular session on April 4th, 2000.

Minutes from February 15th, 2000 need to be amended. There was a motion from Mr. Magee to accept the minutes as amended and was seconded by Betty Fitzpatrick. All agreed.

Regular session of the Board was brought to order at 7:08 PM.

B. Old Business:

I. Wendlandt Subdivision, Application # 99-023. Applicant Richard Wendlandt, 8519 Draper Road, Hammondsport, NY 14840. Public Hearing was held on February 15, 2000. Board proceeded with Part II of SEQR and completed.

Motion #1 - Wendlandt Subdivision. Upon review of the information recorded on the EAF and 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. James Presley made a motion that a Negative Declaration be prepared and it was seconded by John Jensen. Roll call vote, Fitzpatrick-aye, Presley-aye, Jensen-aye, Magee-aye, Robinson-aye.

Motion #2 - Wendlandt Subdivision. It is determined by the Planning Board that the Minor Subdivision of Wendlandt meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Mr. Presley made a motion to approve this subdivision as submitted and to instruct the Chairman to sign the survey. Betty Fitzpatrick seconded the motion. The vote went Jensen-aye, Presley-aye, Magee-

aye, Fitzpatrick-aye and Robinson-aye.

Findings:

Application is complete and in order.

No negative environmental impact.

Meets Subdivision Requirements.

Meets requirements of State and Local Law.

No negative comments were made at the Public Hearing 2/15/00.

There was a ~~motion~~ by John Jensen and seconded by Betty Fitzpatrick that the findings be accepted. All were in agreement.

Negative Declaration was filled out, Notification was given to the Wendlandts and to the Assessor.

2. **Bourke-Reed Farm - No new submissions**
3. **Bourke-Major Subdivision - No new submissions**

4. **Sanford Subdivision, Application #99-025.** Edgar J Sanford, 129 West Lake Road, Hammondsport, NY 14840.

SEQR Part II completed.

Motion #1 - Sanford Subdivision: Upon review of the information recorded in the EAF and any other ~~supporting information and considering both the magnitude and the importance of~~ each impact, it is reasonably determined by the Planning Board that this subdivision of land will not result in any large or important impact on the environment. James Presley made a motion that a Negative Declaration be prepared. John Jensen seconded it. Magee-aye, Fitzpatrick-aye, Jensen-aye, Robinson-aye and Presley-aye.

Motion #2 - Sanford Subdivision: It is the determination of the Planning Board that the Minor Subdivision application meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. Mr. Magee made a motion to approve the subdivision as submitted, with contingency listed below and to instruct the survey to be signed. James Presley seconded the motion. Jensen-aye, Fitzpatrick-aye, Robinson-aye, Magee-aye and Presley-aye.

Findings:

Application is complete

Meets requirements of State and Law

No negative environmental impact

No negative comments from the Public Hearing on 2/15/00

Meets all requirements of subdivision other than the size of the lot. This and the Shuart parcel are originally conforming lots when combining lands above and below the road. The contingency of granting this subdivision is that it be annexed to the Shuart property within 60 days of granting

this subdivision. Mr. Sanford and The Shuarts will be notified as to this contingency and that a copy of the deed for The Shuart's will be brought in to the Urbana Town Clerk's office to be on file also within 60 days of annexation. Basically this division is being done to solve an encroachment problem. James Presley made a motion to accept the findings and John Jensen seconded it. All agreed.

A negative Declaration was filled out along with Notification to Mr. Sanford and to the Town Assessor for both Mr. Sanford and Robert & Patricia Shuart.

5. **Ward** - No new submissions
6. **Tobias** - Application # 2000-02 SD. Set up Public Hearing for 4/4/00 at 7 PM.

Concept Site Plan Review

1. **Carisetti Corp** - One more neighboring property owner submitted a letter and it will be placed in the minutes of this meeting. A list of questions was developed and given to The Carisetti Corp after the Public Hearing on 2/15/00 to be reviewed and answered. They have not yet been resubmitted. A letter will be drawn up for Mr. DeBuck, the Watershed Inspector for Urbana, asking if he can provide the board or the Carisetti Corp with water usage figures for a winery producing the equivalent amount of wine that The Carisetti Corp intends to produce. A copy of that letter will be contained in the minutes to this meeting.

2. **Wheels'n'Wood** - Mr. Jacquier has applied for a Special Use Permit. See below.

Special Use Permit - None

ZBA Opinions - None

Planning Issues - 1. **Sign Laws** - At the work session on 3/21/00 these will be reviewed and finalize.

2. **Comprehensive Plan** - Still have had no response from the Town Board. Another letter will be written to Mr. Gardner and Attached to the minutes of this meeting.

C. New Business

Subdivision:

1. **Eddy- Russell Eddy, Application # 2000-01 SD.** 202 Varian Lane, Rochester, NY 14624. Atty. Robert Plaskov was present to represent Mr. Eddy at this preliminary Sketch Plat Review. There was only one question for Mr. Plaskov and that was if there was any intention by Mr. Eddy to develop any or all of the parcels. The answer was no. There are 5 plots of raw land to be sold as such. 1) of 5.008 Acres, 2) of 5.008 acres, 3) of 5.008 acres 4) of 7.415 acres and 5) of 7.415 acres. Mr. Magee made a motion to accept the application as a Major Subdivision and it was seconded by James Presley and all Board members were in agreement. Atty Plaskov was told that he and/or Mr. Eddy would be hearing from the Board in a couple days as to how Mr. Eddy needs to proceed from here. Board members were told to bring final questions to work session and it may be possible that a Public Hearing could be set for April 4th, 2000.

2. **Morrell** - Nothing was submitted in our packets.

3. **Craig - Application# 2000-008.** Todd Craig, 5910 Strickler Road, Clarence, NY 14031. Property Site is on Van Amburg Road, Parcel # 133.00-01-009.200 and currently zoned Agricultural. The original parcel is 57 acres. They want to divide it in to two parcel. One of 28.5 acres and the second also 28.5 acres. Applicant was not in attendance. Preliminary Plat Review will be scheduled for 4/4/00.

4. **Pearce - Application #2000-006 SD.** David L. Pearce, 8631 Bully Hill Road, Hammondsport, NY 14840. This is an on going Major Subdivision. Mr. Pearce was in attendance. This will be Lot#9 and will contain 8.750 acres out of existing Lot #5 which will become 118.223 acres. Questions were asked of Mr. Pearce and were sufficiently answered. Mr. Presley made a motion to accept the plat as is and it was seconded by Mr. Jensen to allow this to continue as a Major Subdivision. All Board members were in agreement. Mr. Pearce was verbally given the go ahead to have the property surveyed with no changes from the sketch plat. He will be notified in writing of the date that his Preliminary Plat Review will be scheduled.

Concept/Site Plan Review - None

Special Use Permit -

1. **Tarpin** - No one was present. Schedule again for next session.

2. **Wheels'n'Wood** - Mr. Jacquier submitted an application that specified no particular business. His application will be returned by CEO Rethmel and he will be advised that he needs to specify the businesses that he intends to run at that location.

3. **Ridley** - Application #2000-009. Benjamin R Ridley, 9024 Glen Brook Road, Hammondsport, NY14840. Mr. Ridley wants to remove the old building structure and put up a new one to contain a recording studio. Parcel#089.00-01-032.000. Special Use Permit pursuant to Sec 105.9, Section 2B. Service Business is applicable under a Special Use Permit. Mr. Ridley will need 8 parking spaces and will need to bring dimensions of his driveway, turn around and specify these on a sketch plat. He will also need to submit a written letter of intent by March 10th to the Town Clerk in order to schedule a Public Hearing. The Board would like to do a Site Plan Review simultaneously with the Special Use Permit Hearing.

4. **DeLancy** - Application #2000-011. Nancy J DeLancy, 8361 Pleasant Valley Road, Hammondsport, NY 14840. Ms. DeLancy is applying for her residence to be used as a Bed and Breakfast. She was not in attendance. Under Zoning Law, Section 105.10 Residential District, Section A, Part 2A, this is applicable. CEO Rethmel will notify Ms. DeLancy to be present at the April 4th meeting and instruct her on complying with the Urbana sign laws.

ZBA Opinions - Olynk

1. Olynk - It was determined that the Board did not have enough information to give an Opinion. Form was filed with no opinion given.

Planning Issues -

At work session we need to discuss the Work Sheets Mr. Jensen drew up as a rough draft to improve the flow of procedures in certain cases.

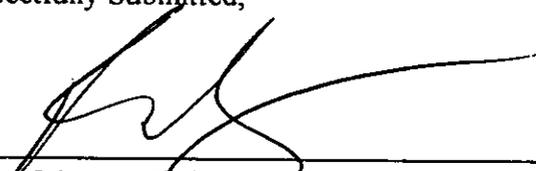
Sign Laws need to be reviewed.

A discussion on "Dumpsters" was requested.

Meeting was adjourned at 8:55 PM.

Work Session: 3/21/00
Next Regular Meeting 4/4/00

Respectfully Submitted,



Robert Magee, Chairman
Town of Urbana Planning Board

dc

Carisetti

Robert and Jessie Johnson
2335 Three Bridge Rd.
Powhatan, Va. 23139
February 18, 2000

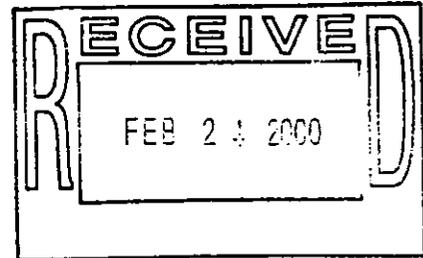
Debbie Pierce, Town Clerk
41 Lake St.
Hammondsport, N.Y. 14840-0186

Dear Debbie,

We understand that a winery and retail store are proposed for the property located between Rt 54 and Fish Hatchery Rd. As a property owner on Fish Hatchery Road, we have some concerns and misgivings. We are concerned about the value of our property declining, about the amount of water this type of business would use and how it would affect our water supply, the increased traffic on both Fish Hatchery Road and Rt 54.. Also since some wineries have failed in the past few years, should this one also fail, would we be left with "eyesore" vacant buildings? We are opposed to this proposal for the above mentioned reasons.

Sincerely,

Robert I. Johnson
Jessie Johnson
Robert and Jessie Johnson



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

Memo To: Terry DeBuck
Town Watershed Inspector

Re: The Carisetti Corporation
Special Use Permit # 99-029

March 13, 2000

Dear Terry,

During the Public Hearing February 15, 2000 for The Carisetti Corporation many of the neighboring property owners were in attendance. Their major concern was on the projects water usage.

We would like to ask you how we can approach this situation and give the neighbors some sort of historical statistical water usage in a winery with production equivalent to what they intend to pursue. The partners of The Carisetti Corporation made reference during the Public Hearing that their usage should be approximately what a household of four members would use. There is no way that we can ease the minds of the neighboring property owners with out more information on this subject.

We are aware that Cornell may have this type of information. We are in hopes that you can answer that question and if they can, is it possible for you to acquire it from them. We realize that Mr. Carasetti and Mr. DeMay are the only persons that can give you the figures pertaining to their intended production and would ask if you would work with them to obtain some concrete figures so that they can be presented at the continuation of the Public Hearing.

Without this information there is a possibility they will not be able to reconvene or continue on this project that they have whole heartedly pursued over the past year.

We request a written response to this letter before our next work session on March 21, 2000.

Respectfully,

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

dc

Carisetti

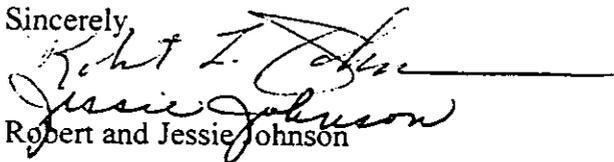
Robert and Jessie Johnson
2335 Three Bridge Rd.
Powhatan, Va. 23139
February 18, 2000

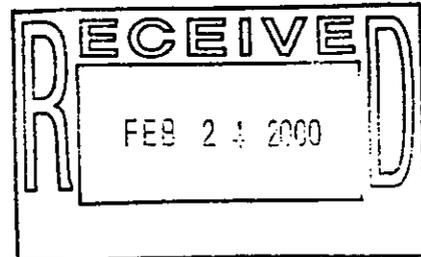
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Respectfully,

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

de

**Town of Urbana Planning Board
Minutes
February 15, 2000**

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

Also in attendance: Marvin Rethmel, CEO

In attendance for Wendlandt Subdivision:

Kristine Porter
Richard Wendlandt

PUBLIC HEARING

Chairman Magee opened the Public Hearing at 7:07 PM, in the matter of the **Wendlandt Subdivision**, Mr. Wendlandt and Kristine Porter were the attending parties.

Application # **99-023**, Richard Wendlandt, 8519 Draper Road, Hammondsport, NY seeking a Minor Subdivision of Parcel #105.00-01-017.000 consisting in entirety of 19.522 acres and dividing it in to two separate parcels. One of 2.0 acres and the second of 17.522 acres.

The application is complete and all submissions are in.
Meets all zoning requirements, per CEO.

The survey was accepted as is and there were no further questions from board members.
No one else was in attendance for this matter and so there were no questions from the public.

John Jensen made a motion to close the Public Hearing at 7:10 PM and it was seconded by Betty Fitzpatrick.

In attendance for Sanford/Shuart Subdivision:

Robert Shuart
Patricia Shuart

PUBLIC HEARING

Chairman Magee opened the Public Hearing at 7:12 PM, in the matter of Application #**99-025**, **Sanford Subdivision**. Mr. and Mrs. Shuart have a letter on behalf of Mr. Sanford to represent him in this matter of the Minor Subdivision of property located at 129 West Lake Road, Hammondsport, NY 14840. Parcel #104.15-01.022.00 is a .399 acre parcel to be divided in to a .015 acre parcel and a .384 acre parcel. The smaller of the parcels will be purchased and annexed

in to the Shuart's deed. This action is taking place because of a boundary discrepancy and is acceptable by both parties involved.

The report from CEO, Dave Oliver states that all submissions are in and file is complete.

There were no questions from the board and no one else from the public was present to ask any questions. It was stated and agreed upon by Mr. Shuart that he would provide a copy of his deed to the Town Clerk for the file after he has annexed the .015 acre parcel to his existing parcel.

Motion was made by Mr. Magee to close the Public Hearing and seconded by Mr. Presley. The Public Hearing was closed at 7:24 PM.

In attendance for Carisetti Corporation Hearing:

Patrice DeMay
Dominic Carisetti
Hugh Hiney
Kathleen Hiney
Alan Whitaker
Phyllis Whitaker
Jack Wood
David Mays
Glen Sincerbox

PUBLIC HEARING

Chairman Magee opened a Public Hearing concerning **The Carisetti Corporation Site Plan Review Application #99-021** and **Special Use Permit Application #99-029** at 7:26 PM. The Corporation address is 124 Haverling Street, Bath, NY 14810. The location of the project is about half way between Hammondsport and Bath on Rte 54. It also has road frontage on the Fish Hatchery Road. This location is the intended site for a Winery and Retail Shop. The letter of intent was read for the public by Chairman Magee. A copy will be submitted with the minutes of this meeting. A few things have changed and it was noted as Mr. Magee read, that the two story building has now been changed to two separate one story buildings because of a fire code concern which means the entranceway may have also changed.

Glen Sincerbox had submitted a three page letter to the board prior to this Public Hearing and Chairman Magee also read them to the public. A copy of those pages will also be attached to the minutes of this meeting. Mr. Magee answered several of the questions that the Board could supply and then allowed Mr. Carasetti and Mr. DeMay to answer other questions.

After several other questions were brought up by the surrounding neighbors it became obvious that The Carisetti Corp and The Planning Board needed more time to address the issues. All questions and concerns were tape recorded and handwritten. Both will be submitted to the Town Clerk with the Minutes of the Public Hearings. Mr. and Mrs. Hiney also submitted questions and concerns in writing to the board. They, also, will be attached.

At this time Chairman Magee made a motion to have the recording secretary compile in writing all the questions brought up during the course of this Public Hearing so they may be answered in writing by The Carasetti Corporation. Mr. Presley seconded that motion. All Board members were in agreement.

Normally the Public Hearing would be closed at this time but in view of all the concerns and the desire to adequately answer the questions and concerns of the public Mr. Magee made a motion to recess the Public Hearing and reconvene after The Carasetti Corporation has had a chance to review and answer all or as many questions as possible to the best of their ability. The neighbors in attendance will be notified of time and date Public Hearing will reconvene. Mr. Presley seconded the motion. All Board members were in favor. Public Hearing was recessed to a until Carasetti Corp can respond. Meeting recessed at 8:34 PM.

It was agreed upon that the questions would be compiled by the end of this week and submitted to Mr. Magee to pass along to The Carasetti Corporation for their attention to this matter.

A Work Session followed.

Mr. Magee and Mr. Jensen were invited over to the Town board meeting just previous to the Public Hearings to discuss the Comprehensive Plan the Board had submitted to them.

Mr. Jensen had some preliminary work sheets to distribute to the board members for them to look over for Minor and Major Subdivisions.

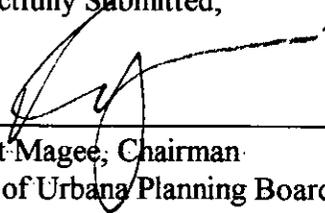
A note was left for the Town Clerk to distribute the Minutes of the Jacquier Public Hearing to ~~the Board members immediately so they can look them over closely and be ready at the March 7th, 2000 meeting to make a decision on how to proceed.~~

Sign Laws still need to be discussed.

Tarpin-Special Use Permit. Needs to be notified to be present at the 3/7/00 meeting.

Next Regular Meeting is March 7, 2000 7 PM

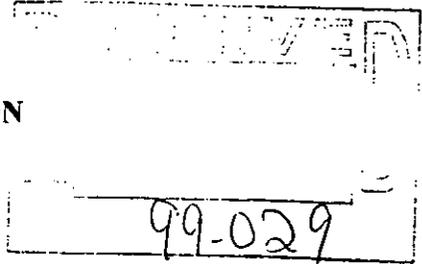
Respectfully Submitted,



Robert Magee, Chairman
Town of Urbana Planning Board

**SITE PLAN REVIEW
TOWN OF URBANA**

**THE CARISSETTI CORPORATION
124 HAVERLING STREET
BATH, NEW YORK 14810
PHONE: 607-776-4181
FAX: 607-776-2322**



BRIEF DESCRIPTION OF INTENDED PROJECT

The Carisetti Corporation is an S Corporation registered in the State of New York. Principals are Domenic and Betsy Carisetti; Patrice and Charmaine DeMay. The Corporation was established in 1997 to provide technical consulting to the wine industry. In March 1999 and May 1999 the Corporation was granted permission by the Federal Department of Alcohol, Tobacco, and Firearms and the New York State Liquor Authority respectively to operate a winery DBA Anawim Wine Cellars and Renaissance Wine Cellars. The current location of both wineries is 6838 Industrial Park Road in the Town of Bath on-site within the Steuben Arc complex. The mission of The Carisetti Corporation is to provide employment for residents of Steuben County transitioning off public assistance as well as residents of Steuben County with disabilities in the manufacture, packaging, and sale of premium altar, sparkling, fruit, and table wines. Altar wines, intended for use by Churches within New York State, are produced under the Anawim Wine Cellars brand. Sparkling, fruit, and table/sparkling/fruit wines are produced under the Renaissance Wine Cellars Brand.

The parcel of land sought for purchase by the Corporation is intended for use as a winery and retail store. Existing vineyard property on site will remain and grapes will be used both for employee training and in wine production. Intended usage is for business purposes. The Corporation is in partnership with Catholic Charities of the Southern Tier, Steuben Arc, and Corning Community College as a commercial site for the designated population with the intent to provide job training and development for employment in the wine industry in addition as a viable commercial operation. The principals of the Corporation, Domenic Carisetti and Patrice DeMay, formerly winemakers for The Taylor Wine Company and DeMay Wine Cellars respectively, with a combined 50 years of Finger Lakes area vineyard and winery experience, seek to renew interest in the Hammondsport area as a viable grape and wine-producing region.

The location is ideally suited for our purposes and provides an excellent base of tourism for people entering or leaving the Keuka Lake Wine Trail, Glen Curtiss Museum, and local Hammondsport/Bath businesses. Our intention is to build a new two-story winery on the premises, at a point about mid-way within the property that offers the highest point for scenic purposes. The lower level of the winery, built into the hillside using poured concrete for the walls and ceiling, will house the production area. The higher level will house a retail operation. Architectural style will be a Normandy/Tuscany European design reflecting the Renaissance Wine Cellars theme. The production area will include a

floor drain that feeds into a dry well for process water, a laboratory for testing wines, an employee bathroom that feeds into a septic system, designated warehouse space for case goods and general floor space for winery equipment such as tanks, filters, pumps, etc. One steel entryway door and one steel overhead door provide entrance and egress from the production area. Directly outside the production area will be the grape pressing operation. The retail operation will consist of handicap accessible bathrooms (separate for men and women), an office area, a tasting counter, and room for retail food and non-food items for sale. The retail store is entered from the side facing Route 54 to allow that the front view of the winery be seen from travelers on Route 54 and allow visitors a clear view of the hillside facing the Fish Hatchery Road. The retail entryway will be handicap accessible.

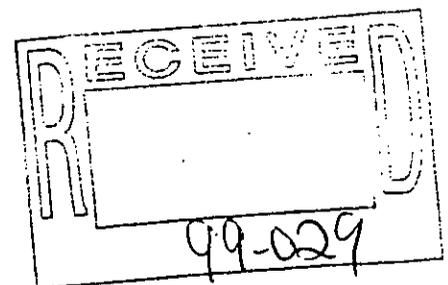
Cars traveling on Route 54 will enter from Route 54 and exit from the Fish Hatchery Road. Cars entering from the Fish Hatchery Road will enter and exit the property from the Fish Hatchery Road. Parking is located at an area away from the winery, on the property. Landscaping will complement the winery operation. Most of the existing vineyards will remain in operation except for that portion removed to make room for the winery.

Existing shrubbery and non-ornamental plants along the hillside parallel to Route 54 and along that portion of Route 54 that provides an entryway to the property will be cleared to allow a better view of the winery and vineyards. Existing trees that affect parking patterns or flow both into or out from the winery will be selectively removed, as needed. It is our intention to interfere as little as possible with existing vegetation that would lend itself to the enhancement of the property.

Signage will be placed on the property for those motorists on route 54 and the Fish Hatchery Road. The Corporation seeks the assistance and approval of the DOT, Urbana and Bath Town Boards concerning additional signage on Route 54, CR88, Route 17 (86), Route 390, and Route 15.

There are three existing buildings on the property. The smallest of the three buildings will be removed to allow for entrance into the parking lot. One of the two remaining buildings will be used for dry storage of empty glass bottles and vineyard equipment. The other building will be used for maintenance and landscaping tools and equipment.

DA Carisetti
11/1/99



Hugh E. and Kathleen R. Hiney
7459 Fish Hatchery Road
Bath, NY 14810
February 15, 2000

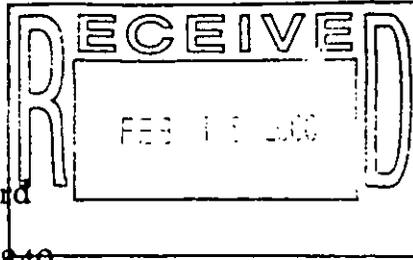
Concerns over rezoning for a proposed winery and retail store at the property between Rt. 54 and the Fish Hatchery Road near the intersection of Rt. 54 and Co. Rt. 88, Hammondsport, NY.

1. water table - We have lived at 7459 Fish Hatchery Road for 21 years, 7 months and never had a problem with our well.
2. sewage -
3. traffic congestion - Because of the nature of the road, cars have a tendency to go at high speeds. With the volume of traffic increasing is it going to create more hazardous conditions?
4. noise
5. odor
6. Our property value - a local real estate broker told us that the value of our property will decrease with rezoning.

We moved to this location because the area was zoned and we wanted the rural setting for our family. If this property is rezoned does it mean that we [or future owners] of our property can get this land rezoned this easily?

We assume all the town zoning board members live in a rural setting. How would any of you like this or something comparable going up across the street from your home?

Glen Sincerbox
7506 Fish Hatchery Road, Bath, New York 14810



Robert Magee, Chair
Town of Urbana Planning Board
Urbana Town Office
Hammondsport, New York 14840

February 10, 2000

RE: Carisetti Corporation, Renaissance Wine Cellars

Dear Mr. Magee,

I am the owner of property directly adjoining the above-captioned project, Application Numbers 99-021 & 99-029. I have reviewed the Applicant's submissions, and while I am not opposed in principle to the proposed development, I do have several questions and concerns as to the proposed project's impact on my property. The majority of my concerns relate to issues of water quality, water quantity, and solid/liquid waste treatment and disposal. I am also concerned about the ultimate scope of the project which is not addressed in the Applicant's submissions. In particular, could the Board address the following areas?

Application for Concept Review, No. 99-021

"Intended Usage": "Business" is indicated, however I believe the correct usage will be "Industrial". In the Applicant's Description of Intended Project, the operations to be conducted include "the manufacture, packaging, and sale of... wines." I believe that Manufacturing is an "Industrial" enterprise, even if it is based upon agricultural materials.

"Variance Required": Applicant submits that the property is currently zoned as Agricultural. If the Proposed Use is Industrial, will a Zoning Variance be required for the project?

Zoning Board of Appeals, Application for Special Use Permit...

"7. Proposed use of premises": If a "winery" is the proposed use, should this item be entered as "Industrial"?

"12. List names of persons...": no data is supplied. Please add my name to the list of property owners affected by this project.

Application for Wastewater Treatment System Construction Permit

"Other Sites": I believe the project as presented combines both "Industrial" and "Commercial" components.

"Is there a well or water supply...": Applicant indicates "not sure". Clearly this is not acceptable.

Brief Description of Intended Project (August 4?, 1999)

Concerning the two existing barns "bordering a right of way": Applicant proposes utilizing one barn as a "winery" and the other as a "retail store" with excavation for parking in between. The cited "right of way" is on my property and is, in fact my residential driveway. Such Industrial/Commercial uses of these existing buildings is totally unacceptable. The Applicant has neither contacted me with

regard to this proposal, nor sought my permission to make any changes or improvements to the Right of Way. Is this document a current proposal, or has it been superceded by the document of the same title dated 11/1/99?

Brief Description of Intended Project (November 1, 1999)

"The production area will include a floor drain that feeds into a dry well for process water..."

"Directly outside the production area will be the grape pressing operation.": How does the Applicant propose to treat and dispose of the industrial waste from these two sources? The Applicant's submission does not contain engineered plans for waste treatment. Will the Applicant be required to obtain a SPDES Permit prior to operating the proposed winery?

State Environmental Quality Review Form

"A3. Soil type": Is "Sand gravel" the correct description? What is the soil composition in terms of standard NYS Soil Suveys classification?

"A8. Depth of water table": How was this value derived? I believe my water table (and immediate neighbors) is significantly lower than 30 feet.

"B1g. Vehicular trips per hour": If only 6 trips per hour are anticipated, why are "69+" parking spaces provided with "16+ acres to put in more parking if needed"?

"B12. Surface liquid waste/type of liquid waste": Is this permissible for industrial, "sewage, wastewater"? If so, how much liquid waste will be discharged in this manner?

"B13. Subsurface liquid waste disposal": Is "septic, drywell" consistent with standards for disposal of industrial winery wastewater?

"B16. Solid waste": Is it true that the proposed project will not generate any solid waste? How does the Applicant plan to dispose of grape pumace from the "grape pressing area"? How much grape pumace will be generated annually? Will the Applicant utilize diatomaceous earth filtration, and if so, how will the spent DE be disposed of?

"B19. Odors": Can this be established without details of proposed liquid and solid waste managment plans? Lagoons or ponds can be very offensive. Also piles of rotting grape pumace (e.g. currently along SR 54) can produce serious odor, insect, and mold spore problems.

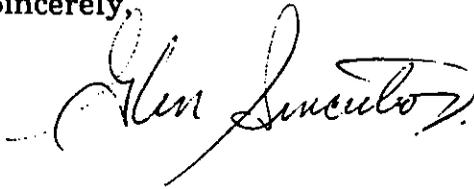
"B23. Water usage": How was this calculated? Is 100 gallons per day a realistic value? I believe the "Retail operation" alone will use much more than this, and the winery will certainly use vastly more. What is the maximum annual number of gallons of wine to be produced at the proposed winery? What is the maximum tonnage of grapes to be processed annually? The drought of the last two years has seriously limited my water supply. Will the proposed winery be able to access enough well water for its operations without damaging the quality and/or quantity my water source?

"C4. Proposed zoning": Shouldn't this be Industrial?

"C12. Traffic": If the proposed action will not generate significant traffic above present levels, why are "69+" parking spaces being provided, as well as two driveways "to reduce the possibility of accidents and slowdowns."

I am concerned that the proposed project may adversely affect my groundwater both in terms of quality and quantity. I am also concerned that unless managed in a carefully-planned and precise manner, that the proposed winery may create significant odor and traffic problems for me and my neighbors. Particularly with regard to waste treatment, the Applicant's paperwork raises more questions than it answers. I regret that until my questions and concerns are answered to my satisfaction, I shall strenuously oppose this project.

Sincerely,

A handwritten signature in cursive script, appearing to read "Glen Sincuto". The signature is written in dark ink and is positioned below the word "Sincerely,".

2/15/2000 The Carisetti Corporation Application #99-021 and #99-029

Documentation of Questions and Concerns

What is your intended production the first year you are in business at this location?

Is this going to be enhanced over the next five years and by how much, if so?

This information will help in answering many of the other questions to follow.

It was suggested that there is a possibility of reports generated by Cornell that may document usage of water and production of waste created by a winery of this size that may be attainable in order to help with these projections.

WATER & WASTE:

Where and what is your water source?

What do you project as water usage over the course of your production?

For the first year.....vs.....five years?

What do you project as your waste production (pumice, etc...)?

For the first year.....vs.....five years?

How will you dispose of that waste? (Consider site, odors and pests)

Does the DEC have regulations on the disposal of waste mater and what are they?

How will waste water be handled?

Will there be DE to deal with? If so how do you intend to handle it?

TRAFFIC:

Will the increased traffic flow and slow moving vehicles increase the accident rate for this already treacherous section of highway on Route 54?

There are several hidden driveways and problems also on the Fish Hatchery Road. We need to see the design of how incoming and outgoing traffic will flow.

Will the Right of Way used by Mr. Sincerbox be used for business traffic flow? If not, what will it be used for, if anything?

MISCELLANEOUS:

Will the surrounding residents property values decrease?

Should this business be labeled "Industrial"?

What soil type covers this location?

Of the three existing buildings which ones will be removed and which ones will stay. What will be the use of the ones that are left standing?

Will there be industrial waste to be disposed of?

What vegetation will be removed and why?

What vegetation will be planted, where and why?

Do you intend to SELL food?

Summary:

The main question seems to stem from the concerns of the neighbors that have existing wells that have supplied them with sufficient water supplies and have never run out, even during a drought. Is there any action of recourse for them in the future if the Winery dries their wells? And what exactly is the possibility of this happening?

Can a cap be put on their water usage? ,

**Town of Urbana Planning Board
Minutes
February 1, 2000**

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

Others present:	Marvin Rethmel, CEO	Dominic Carisetti
	Dave Oliver, CEO	Patrice DeMay
	Rick Jacquier	Max Tobias
	Ed & Kelly Fitzpatrick	Dan Steinkohl
	Herb Buckley	
	Dave Buckley	

A. Review of Minutes from 1/13/00 were accepted, signed and submitted. First motion was made to accept by John Jensen and seconded by Betty Fitzpatrick. Minutes from Public Hearing on 1/18/00 were accepted. Motion made by John Jensen and seconded by Betty Fitzpatrick. Minutes from 1/11/00 needed to Amended by deleting one line. Bob Magee made a motion to accept them as amended and Betty Fitzpatrick seconded the motion. The Minutes were amended and resubmitted for the Chairmans signature on 2/15/00.

**Public Hearing - Richard Jacquier, Concept Review #99-030
Site Plan Review #99-108**

Chairman Magee opened the Public Hearing at 7:15 PM, in the matter of Richard Jacquier, Wheels'n'Wood, 7320 County Rte 89, Bath, NY 14810. Mr. Jacquier wants to construct a new building on his property and move his existing business in to it. This business is a pre-existing, non-conforming Auto/Tire Business. Rick also builds wood cabinets. This property is currently zoned as Agricultural although the area has grown up into a small residential area.

Mr. Magee went down through a list of questions that had already been given to Mr. Jacquier to be answered in preparation to this hearing. It addressed many of the Boards concerns about his intent for the future of his business. The list of questions should be attached to this set of minutes and the tape recording of this public hearing.

There were Standard Review questions then questions specifically involving this project.

Major Issues:

1) Tires- Storage and Disposal: Response: All tires will be stored inside the new building. The disposal of tires will be in a timely manner depending on need. During different times of the year it may be necessary to dispose of them more often than another. A dumpster will be installed on the premises, tires will be cut and put in to the dumpster for disposal.

Ed Fitzpatrick ask how soon the tires that were already there would be removed. Mr. Jacquier answered that it would be as soon as the weather permits.

2) There may be a question on signs. Marvin Rethmel will have to work with Rich on complying with the sign laws.

3) How many cars will be located on the premises at one time: Response: The vehicles that he will be working on should be in and out as soon as they are scheduled and work is done. He was reminded that there are to be only 2 unregistered vehicles on the premises at any one given time. Anything that is deemed as junk will be promptly removed along with used parts, oils and hazardous materials. Rich noted that these items would be disposed of as the state law requires them to be.

During this discussion Rich mentioned that he had a Dealers License. This means that he can buy and sell cars. He was informed by Marvin Rethmel that his pre-existing, non-conforming business did not include the sale of cars on that property. That if he intended, which he testified that he already had been selling cars, it would be necessary for him to apply for a Special Use Permit from the Town of Urbana in order to do so. This would be a new addition to his existing business not addressed under the pre-existing, non-conforming business that he is now running.

Ed Fitzpatrick ask if he was repairing autos mechanically only or was he also doing paint and body repair. Rich responded that less than 25% of his auto business was body repair. The concern was on hazardous waste and smell of paint fumes. Rich says that he is already complying with the standards of doing this sort of business and the disposal of hazardous waste.

4) Ingress/Egress-There is already a 2nd driveway on the premises other than the small one by the road that he is now using. That will no longer be used for business purposes; the other drive will be used. It seems to be sufficient for the new intended use. For the size of the new building and the business use there needs to be sufficient parking available of 8 parking spaces. Mr. Rethmel has observed the drawings and the site and determined that there is sufficient parking and that he will continue to make sure that the parking standards are met.

5) Are there plans for running water? Response: No. Bathroom facilities are provided for employees at the residence also located on the property.

6) Mr. Magee ask what permits and licenses he is in possession of in order to run his business.

Response: NYS Dealers License
DBA
NYS Motor Vehicle Inspection
NYS Sales Tax Certificate
Registered Repair Shop

7) No waste water will be a problem considering no water will be at the new building location.

8) There is a potential erosion problem. There is a deep cut on the bank near his shop.

Response: Rich is looking in to vegetation that will deter erosion, such as vetch. It is undetermined at this time. Rich stated that he would plant something on that bank to keep it from eroding further.

Questions from the Board: Betty ask about parking spaces. There are really no specific regulations on how and where to park. Mr. Rethmel stated that they do have a specific size that they need to be and it varies depending upon if they are angled or not. There is no specified distance required from the lot boundary. It is possible they can park up to the neighbor's lot.

At this time Kelly Fitzpatrick was allowed to ask her questions. The Fitzpatrick's are neighbors of Mr. Jacquier. Her first question was if someone had staked out the site for the building and was it a proper distance from the neighboring properties. Marvin Rethmel answered "Yes" that he had done that. She made a request to the Board that there be a fence constructed between their two properties for visual protection. The Board has noted the request.

Mrs. Fitzpatrick then ask how far away the parking area was going to be from their property. Again Mr. Rethmel approximated the distance at about 24 foot from their property line. Mr. Rethmel also stated that the zoning set backs for side yards in an Ag District is 20 foot.

Her next question was on the height of the building. There was no clear answer to this question. Her concern was with lighting. They now have what they feel is a problem with Mr. Jacquier's current lighting. It is shining in to their home windows at night. Rich told them if there was a problem that he would lower the lighting to the point that it would not bother them. He did not specify any new lighting on the building that was going to be built but that he would keep that in mind.

Herb Buckley ask about this business's driveway; that it has been a traffic hazard in the past. Mr. Magee mentioned that we had discussed earlier in the hearing that the use of the other existing driveway should improve the traffic flow in and out of the business.

There were no further questions from the board or the public. Public Hearing was closed at 7:50 PM. Mr. Jacquier was informed that the Board was required by law to notify him with in 60 days as to how to proceed.

A Regular Meeting of The Planning Board was opened at 7:53 PM

B. Old Business

a) Subdivision

Wendlandt- All Submissions in. Public Hearing set for 2/15/00 7PM

Bourke - Reed Farm Appl # 99-028 -Waiting for survey

Bourke - Townsend Major Subdivision Application #99-027

Chairman Magee did not send a correspondence to Dr. Bourke. He contacted him by telephone to inform him of the Board's decision. They can not proceed as is. He expressed to Mr. Magee that he would like to delete parcels 2 and 3, and make parcel #1 larger. This would change his application to a Minor Subdivision. The board listened to Mr. Magee but are still unable to proceed with anything at this time.

Sanford - Application#99-025. Public Hearing set for 2/15/00 7:15PM

Ward - No new submissions

b) Concept/Site Plan Review

Carisetti Corp. Appl# 99-021. Mr. Carisetti and Mr. DeMay were present. The final draft of the building plans are now on file in the Town Clerk's office. They stated that Terry DeBuck was involved before the final plans were completed. The most recent change was building a second building to be constructed 50' away from the original one and now a one story building. Questions were directed to them as to who was going to build the structure and if they had decided on planting additional vegetation between properties. They are going to try to incorporate charity organizations in building the structures and there is a good possibility no further vegetation may be needed to screen their property from the neighboring properties. Approximately one half of the vineyards that are presently on the property will be removed. The other half will be taken out a section at a time and replanted.

Motion was made by Mr. Magee to accept the Site Plan Review and it was seconded by Jim Presley. All were in favor to proceed with a Public Hearing. Public Hearing was set for 2/15/00 7:30PM.

c) Special Use Permit - Carisetti Corp Appl# 99-029

Motion was made by Mr. Magee to proceed with a Public Hearing for the above application and it was seconded by Mr. Presley. All of the Board was in favor to set the Public Hearing immediately following the Carisetti's Site Plan Review Public Hearing on 2/15/00 7:45PM.

d) ZBA Opinions - None

e) Planning Issues

- 1. Sign Laws** - A short discussion took place on points Dave Oliver would like Reviewed. Mr. Magee ask the board members to look over his Comments and be ready to discuss them at the next work session.

2. **Comp Plan** - There has been no response from the Town Board on the Supplement provided to them. The secretary and chairman will construct a letter to Mr. Gardner to ask for their response.

C. New Business

a) Subdivision - Tobias Application # 00-02 Minor Subdivision

Max Tobias, 9195 Bully Hill Road, Hammondsport, NY 14840. Map # 30.1 currently zoned as Residential, plans on reconfiguring 2 parcels. This parcel will be divided in to one 6.75 acre parcel and another 1.75 acre parcel. The 1.75 acre lot will be added to the neighboring lot. This will free a land locked parcel. No new driveways will be necessary and no new structures will be constructed. There is a narrow bottleneck located near the far end of one of the parcels that needs to be observed by one of the Code Enforcement Officers making sure there is enough width for access. Dave Oliver will notify the Town Clerk when all submissions are in.

Subdivision - Eddy Application # 00-01 Major Subdivision

Russell Eddy, 202 Varian Lane, Rochester, NY 14624. Map #103.00-01-025.200. Motion was made to make this a Major Subdivision Application by Mr. Magee and Mr. Presley seconded it. All were in favor. Sketch plat was reviewed and it was deemed that Mr. Eddy could be notified to come in for a preliminary Sketch Plat review. Mr. Plaskov, as his representative, will be notified in writing to come before the Board on 3/7/00.

b) Concept/Site Review - Cranmer Application # 00-003 Var

This is postponed until after the ZBA opinion is addressed.

c) Special Use Permit - Tarpin Application # 00-004

Diana Lee Tarpin, 8260 Main Street Ext., Hammondsport, NY 14840 located in the residential district would like to open a Bed and Breakfast. Notification will be sent to her to appear before the Board on 3/7/00.

d) ZBA Opinions- Cranmer. Application # 00-003 Var

Ivan Cranmer, 46 Maple Street, Savona, NY 14879 would like to tear off and rebuild a bathroom and small bedroom at his cottage located on 368 East Lake Rd, Hammondsport, NY 14840. There seems to be nothing in this application that states why this application will not meet code. Mr. Magee will discuss the matter With Terry DeBuck. The Board finds that there first needs to be a determination of percentage of building space based upon the lot size. The Board's opinion is that there is nothing in the application that shows a hardship warranting a variance.

Town of Urbana Planning Board
Minutes
January 18, 2000

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

Also in attendance: Marvin Rethmel, CEO
 David Oliver, CEO
 Leonard French

PUBLIC HEARING

Chairman Magee opened the Public Hearing at 7:02 PM, in the matter of the French Subdivision, Application # **99-031**, Leonard D and Donna French, 7809 Van Ness Road, Hammondsport, NY seeking a Minor Subdivision of Parcel #104.00-01-045.110 consisting in entirety of 59.998 acres and dividing it in to two separate parcels. One of 46.683 acres and Two of 13.305 acres.

The application is complete and all submissions are in, per Dave Oliver, CEO.

The survey was accepted as is and there were no further questions from board members. No one else was in attendance.

John Jensen made a motion to close the Public Hearing at 7:08 PM and it was seconded by Betty Fitzpatrick.

A regular meeting of the Planning Board convened at 7:09 PM.

New Business: Subdivision - French **Application #99-031**, Leonard and Donna French, 7809 Van Ness Road, Hammondsport, NY is completed as follows.

SEQR Part II completed.

Motion#1 French 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. Robinson made a motion that a Negative Declaration be prepared. Seconded by Fitzpatrick. Roll call Magee-aye; Jensen-aye, Fitzpatrick-aye; Robinson - aye.

Findings: Application is complete
Meets requirements of State and Local Law
Meets subdivision requirements.
No negative environmental impact
No negative comments from the public.

Motion#2 French 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. Randy Robinson seconded it. Roll call Magee-aye; Jensen-aye, Fitzpatrick-aye, Robinson - aye.

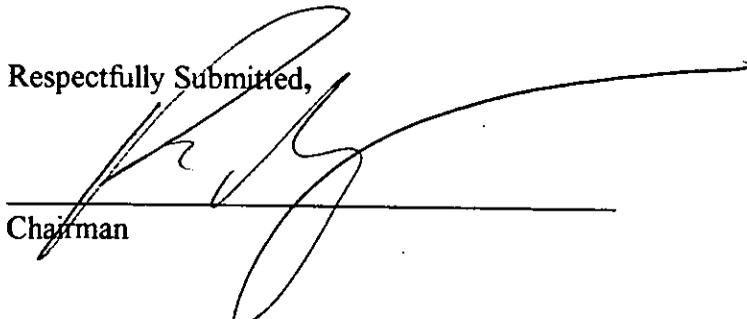
Motion made by Mr. Magee and seconded by Mr. Jensen to accept the findings. Roll call vote: Magee - aye; Fitzpatrick - aye; Jensen - aye, Robinson - aye.

Survey was signed and sealed
Negative Declaration was prepared
Notification in writing was prepared and left for the Town Clerk to send to The French's
Notification to the Assessor was completed.

Meeting was adjourned at 7:30 PM.
A short work session followed the meeting.

Next Meeting: 2/1/2000 7 PM

Respectfully Submitted,



Chairman

**Town of Urbana Planning Board
Minutes
January 13, 2000**

Present: Randy Robinson Deputy - Chairman
 John Jensen, Member

 Diane Costello, Recording Secretary

Also in attendance: Marvin Rethmel, CEO
 Leonard French
 Tim Slayton (Son of neighbor, George Slayton)

PUBLIC HEARING - Leonard French, 7809 Van Ness Road, Hammondsport, NY

Deputy Chairman, Robinson opened the meeting at 4:40 PM. There were not enough members present to have a quorum. The only person present from the public was Tim Slayton and he noted that his father had no problem with this subdivision for French #99-031.

This meeting is recessed until January 18th, 2000 at 7PM.

Meeting was adjourned at 5PM.



Deputy Chairman

Chairman

Amended 1-5-00
WC

**Town of Urbana Planning Board
Minutes
January 11, 2000**

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

Others present: Marvin Rethmel, CEO
Dave Oliver, CEO
Lucy Knapp

Regular Meeting of The Town of Urbana Planning Board was opened at 7:10 PM

A. Review of Minutes from 12/7/99 were accepted, signed and submitted. First motion was made to accept by Mr. Robinson and seconded by Robert Magee. Minutes from Public Hearing on 12/16/99 need to be amended. The order in which Motion #2 and the finding on Deegan were transposed. After that amendment Betty Fitzpatrick made a motion to accept them as amended and Randy Robinson seconded the motion. The Minutes were amended 1/12/00 and resubmitted for the Chairmans signature on 1/13/00.

B. Old Business

a) Subdivision

- 1. **French - Application#99-031** -Public Hearing set for 1/13/00 at 4:30 PM.
- 2. **Bourke - Reed Farm Appl # 99-028** -Waiting for survey
- 3. **Bourke - Townsend Major Subdivision Application #99-027**

Chairman Magee wrote to Dr. Bourke after the last regular board meeting, December 10, 1999 explaining to Dr. Bourke the sections of law pertaining to private access roadways that have to be met before the Board can take further action and requested his short term and possible long term intentions for the Major Subdivision. Dr. Bourke did respond in writing of his intention as best as he can at this time. He also states that there are no "Phases" connected to this plan.

Atty. Brian Flynn received a letter from Dr. Bourke's attorney proposing a written promise for Dr. Bourke to sign but Atty Flynn does not find it acceptable. A letter will be written to Dr. Bourke immediately informing him that the Board can not proceed without a driveway installed or for him to post a Bond for the installation of one.

- 4. **Sanford - Application # 99-025** - All submissions came in today. It will be addressed on the agenda at the next meeting.
- 5. **Ward - Application #99-020** - No New Submissions
- 6. **Wendlandt - Application# 99-023** - No New Submissions

b) Concept/Site Plan Review

1. **Carisetti Corp - Application#99-021** -New Parking Lot sketch submitted and exterior colored drawing had been submitted. A fire wall was found to be needed inside the one building site. The partners have decided to physically divide the building. Those drawings will need to be submitted. We believe that they have in fact now closed on the property but they were not in attendance at this meeting to verify that information.
2. **Wheels and Wood- Application #99-108** - Need completed Site Drawing. A questionnaire was given to Mr. Jacquier on specific questions the Board and CEO's are concerned with. He answered it and submitted it. Public Hearing will be set as soon as all other submissions are in.

c) Special Use Permit - None

d) ZBA Opinions - None

e) Planning Issues

1. **Sign Law** - Dave Oliver has submitted to the Town some recommendations that the Board will review at a later date.
2. **Comp Plan** - The Comprehensive Plan has been submitted to the Town. The Town of Urbana has it on their agenda to review 1/17/00.

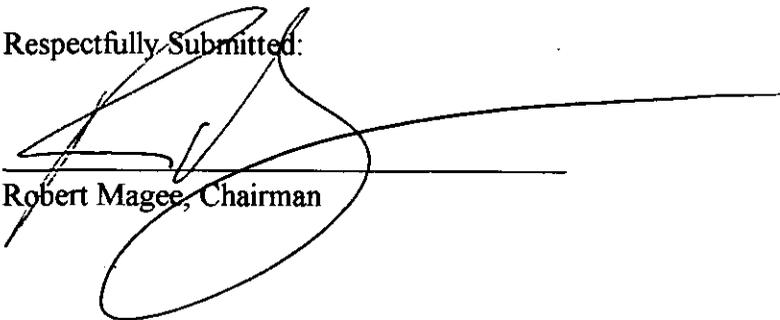
C. New Business

- a) **Subdivision - None**
- b) **Concept/Site Review - None**
- c) **Special Use Permit - None**
- d) **ZBA Opinions - None**
- e) **Planning Issues - None**

Mr. Robinson made a motion to adjourn the meeting and Betty Fitzpatrick seconded it. The meeting was adjourned at 8:35 PM.

Reminder: **Next Regular Meeting - 2/1/00**
Public Hearing French - 1/13/00 at 4:30 PM
Next Work Session - 1/18/00 (May possibly postpone til 1/25/00)

Respectfully Submitted:


Robert Magee, Chairman