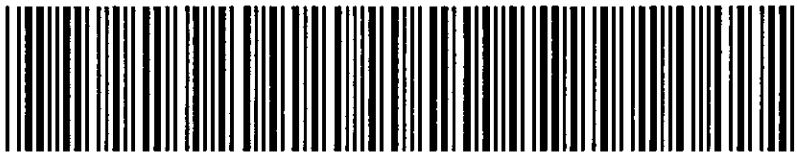
Planning Board



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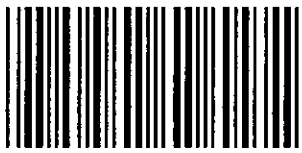

Town of Urbana
Planning Board Minutes
December 7, 2004

Board Present	Robert Magee	Chairman
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
	Randy Robinson	Board Member
	Carly McConnell	Recording Secretary
Public Present	Robert Vollmer	
	Steve Lang	

Regular Meeting: Opened 7:00PM

1. Concept Review:
    a. Steve Lang Application #2004-083
        i. Purpose of project is to replace existing 50'x 15' greenhouse with a new 60'x 20' greenhouse. Chairman, Magee spoke with Zoning Officer Marvin Rethmel regarding the side set backs. Mr. Rethmel indicated that the property was on a pre-existing nonconforming lot and that the applicant could place the new greenhouse on the existing side line that neighbors Valley Video. The Board and the applicant discussed placing the new green house on the existing front line. The applicant indicated that in order for him to do that he would have to dig out a bank, but would be willing to do that. The applicant also indicated that some of the current displays will be taken out and more merchandise would be placed in the greenhouse. The applicant is allowed 50% lot coverage (lot coverage is determined by structures). For a non pre-existing business of the same amount of retail space as the applicant's; 5 parking spots would be required.
        ii. The Board will except this concept review as a site plan review.
        iii. Findings:
            1. Documentations were provided
            2. Adequate description of project was provided
            3. Project is not a significant enough of a change to warrant a Public Hearing
            4. Applicant will modify plan, as not to encroach any further on existing parking and side set backs
            5. Existing parking is nonconforming and insufficient.

        Mr. Duggan made a motion to approve findings. Seconded by Mr. Magee. All was in favor.

iv. Mr. Magee made a motion to approve the Site Plan as submitted with modifications being that the new structure is placed on the existing greenhouse front and side (neighboring Valley Video) lines and any placement of structure will not result in any further encroachment into parking area. Seconded by Mrs. Fitzpatrick. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Fitzpatrick-aye, Robinson-aye

b. Robert Vollmer Application #2004-088.
   i. The purpose of the project is to construct a new two story single-family residence with a walk out basement. The property is located at 383 East Lake Road. The existing camper trailer on the property will be removed. Zoning Officer Marvin Rethmel spoke with Mr. Magee and indicated that the project is with in the required setbacks and the height is under the maximum allowance. Mr. Magee spoke with Terry Debuck (Building Inspector), who indicated that 50% of the basement is under grade and would not be considered a story under the Uniform Fire & Building Codes. The applicant indicated that a septic plan has been submitted to the Department of Health and they are waiting for a response. Applicant, Robert Vollmer is the architect on the project. The property owners are G.F. Consulting, 215 E. Pultney St., Corning. The new residence will not be used for business. The driveway will be shared with the neighbors to the south. The entrance to the drive is on this lot.
   ii. The Board will except this concept review as site plan review.
   iii. Findings:
      1. CEO, Report indicated that bulk & density requirements are met.
      2. Project will not cause any line of sight issue for neighboring homes.
      3. No outstanding issues that would warrant a Public Hearing
      4. Applicant indicated the camper trailer would be removed in an environmentally and legally accepted manor.

   Mr. Duggan made a motion to approve findings. Seconded by Mr. Magee. All was in favor.
   iv. Mr. Magee made a motion to grant the Site Plan Review as submitted; contingent upon the existing camper trailer being dismantled on the site and removed in an environmentally and legally accepted manner before construction can begin. Seconded by Mr. Robinson. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Fitzpatrick-aye, Robinson-aye

2. Old Business:
   a. Concept / Site Plan Review
      i. Store 54 – Chairman Magee met with Town Officials and compiled a list of items that need to be completed for compliance.

Pending approval from Town Attorney the letter will be sent to the applicant and the New York State Liquor Board.

i. Long – No new information. The building out back is not on Dave and Kasie's property. The landowners have been contacted.
ii. Hough – No new information.
iii. Rotman – Terry Debuck has indicated that plans are being designed. Nothing has been submitted.
iv. Campbell – Board received response and will refer to attorney.
v. Hubbard - Board received response and will refer to attorney.
vi. Powell – Chairman will contact applicant for an update.

B. Minutes:
   a. Minutes were reviewed from September 7, 04. Mr. Magee made a motion to approve as submitted. Seconded by Mr. Martuscello and minutes were approved.
   b. Minutes were reviewed from September 9, 04 – Mr. Magee made a motion to approve as amended. Seconded by Mr. Duggan and minutes were approved.
   c. Minutes were reviewed from November 9, 04 – Mr. Duggan made a motion to approve as amended. Seconded by Mr. Magee and minutes were approved.

C. Motion for adjournment
   a. Mrs. Fitzpatrick made a motion to adjourn meeting and seconded by Mr. Robinson.
   b. Meeting Adjourned at 9:05PM

Respectfully Submitted,

Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
November 9, 2004

Board Present	Robert Magee	Chairman
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
	Carly McConnell	Recording Secretary
Public Present	Stacy Stechna	
	Marci Coon	

Public Hearing: Opened 7:08PM

A. Stacy Stechna Application #2004-073:
   a. Stacy Stechna, 118 Brentwood Lane, Fairport, New York has applied for a minor subdivision of a 75 acre parcel into 1) 50 acre parcel 2) 25 acre parcel. Located at 8615 Lockwood Road, Hammondsport. Application was declared a minor subdivision at previous meeting. Purpose of subdivision is to sell the 50 acre lot to satisfy a mortgage. Applicant was present at meeting. Application was complete and contains 6 copies of the survey.
      i. Exhibits:
         1. A-1 Original Application
         2. A-2 Narrative
         3. A-9 Arial photos
         4. A-2 Receipt of $70 paid
         5. A-5 SEQR Part I complete
         6. A-7 Paid Town & County Tax receipt
         7. A-6 Copy of Deed
         8. A-3 Adjoining Property Owners
         9. A-8 Sketch Map
         10. SD-2 Classification of Minor Subdivision, dated October 5, 04.
         11. SD-3 CEO Report indicating application is complete with no requirements
      ii. Board Completed SEQR Part II.
      iii. Mr. Duggan made a motion based on the information and analysis and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts and provide on attachments as necessary, the reasons supporting this determination. Seconded by Mr. Martuscello. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Fitzpatrick-aye.

Public Hearing Closed: 7:15PM

Regular Meeting: Opened 7:16PM

1. Old Business:
    a. Stechna Minor Subdivision Application #2004-073.
        i. Findings:
            1. Application Complete
            2. Meets all State & local requirements
            3. No negative comment at Public Hearing
            4. No negative impact found during SEQR
            5. No negative comments in CEO Report

        Mrs. Fitzpatrick made a motion to approve findings. Seconded by Mr. Duggan. All was in favor.
        ii. It is the determination of the Planning Board that the Stechna minor subdivision application of Stechna meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. I, Mr. Magee make a motion to approve the Stechna minor subdivision based upon the findings as submitted, and to instruct the Chairman to sign and stamp the survey. Seconded by Mrs. Fitzpatrick. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Fitzpatrick-aye.
        iii. Applicant waived her right to receive written notice of Subdivision approval via certified mail and was given the written approval and stamped surveys at the meeting.
    b. Concept / Site Plan Review
        i. Store 54 – The Town is in receipt of Mr. Harness' liquor license renewal. Chairman Magee will be meeting with Town Officials on November 10 to ensure Mr. Harness's compliance with all local laws. Mr. Magee has been in contact with the State Liquor Board.
        i. Locey – No new submissions
        ii. Holly – Applicant withdrew application in written; dated November 4, 04.
        iii. Long – It would appear as though they are moving towards compliance. The Board will wait until project completion notification before reviewing.
        iv. Hough – No new information.
        v. Rotman – Terry Debuck has indicated that the applicant is working with an engineer to establish wastewater plans; that they will be submitting. Board will contact applicant if plans are not forth coming, due to the expiration date of application approaching. .
        vi. Campbell – Waiting on CEO report.
        vii. Powell – no new submissions
B. New Business
    a. Subdivision:

i. John Lawrence Application #2004-074. Proposed location is 9113AB South Lake Road, Hammondsport. Purpose is to divide the total 2.72 acres to 1) 2.42 2) .03 acre lots. Application includes a letter from Mr. Lawrence indicating that Marcia Coon my act on his behalf. Upon review of the application the sketch map indicates that the subdivision meets all bulk requirements. Chairman Magee made a motion to declare this a minor subdivision. Seconded by Mr. Duggan and all was in favor. Mr. Magee made a motion that upon notification of the application being completed that a public hearing may be set. Seconded by Mr. Duggan and all was in favor.

C. Minutes:
   a. Minutes were reviewed from October 5, 04. Mr. Magee made a motion to approve as submitted. Seconded by Mrs. Fitzpatrick and minutes were approved.
   b. Minutes from September 7 & 9, 04 – Chairman Magee will provide them to the Board via email for the Board's approval.

D. Motion for adjournment
   a. Mr. Magee made a motion to adjourn meeting and seconded by Mrs. Fitzpatrick.
   b. Meeting Adjourned at 8:30PM

Respectfully Submitted,

Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
October 5, 2004

Board Present	Robert Magee	Chairman
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
	Dave Oliver	CEO
	Carly McConnell	Recording Secretary
Public Present	Leigh Clark	
	Mike Argentieri	

A. Old Business
   a. Special Use Permit
      i. Store 54 – Waiting to hear from NYS Liquor Board
      ii. Hough – Waiting to hear decision
   b. Concept / Site Plan Review
      i. Store 54 – No new submissions
      ii. Locey – No new submissions
      iii. Holly – No new submissions
      iv. Long – No new submissions and nothing from the DOT regarding DOT file #46-45-54
      v. Hubbard – Nothing from ZEO
      vi. Rotman – Waiting on watershed permit and Chairman Magee will contact Terry Debuck. Applicant has gotten the site cleaned up.
      vii. Campbell – Will have CEO, Rethmel check on the site and report back to Board.
      viii. Powell – Waiting on application

B. New Business
   a. Concept/ Site Plan Review
      i. Leigh Clark Application #2004-064. Proposed project location is 10263 Glen Grove Point in Hammondsport. Proposed project is to expand bedrooms with in the existing footprints. Chairman Magee made a motion based upon CEO, Retmel's and Terry Debuck's assessment of the project to waive any further review. Seconded by Mr. Duggan. Roll Call Vote; Magee-aye, Duggan-aye, Fitzpatrick-aye. Applicant waived his right to receive the written decision by certified mail and to accept it at the meeting.
      ii. Mike Argentieri Application #2004-067. Proposed project location is 91 West Lake Rd., Hammondsport. Proposed project is reinforce existing foundation by new poured walls, change the pitch of the roof and change the height by 3 or 4 more feet (not to exceed the 35 foot maximum). Chairman Magee made a motion based upon CEO, Retmel's and Terry Debuck's assessment of the project to waive any further review. Seconded by Mr. Duggan.

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Roll Call Vote; Magee-aye, Duggan-aye, Fitzpatrick-aye. Applicant waived his right to receive the written decision by certified mail and to accept it at the meeting.

b. Subdivision
    i. Stacy Stechna Application #2004-073. Proposed subdivision location is 8615 Lockwood Road, Hammondsport. The project is to divide the total 75 acres to 1) 25 2) 50 acre lots. Upon review of the application the sketch map indicates that the subdivision meets all agricultural bulk requirements. Chairman Magee made a motion to declare this a minor subdivision. Seconded by Mr. Duggan and all was in favor.
c. Planning Issues
    i. Sign law – Board held decision and will hold a work session at a later date regarding this issue.

C. Motion for adjournment
    a. Mrs. Fitzpatrick made a motion to adjourn meeting and seconded by Mr. Duggan.
    b. Meeting Adjourned at 7:55PM

Respectfully Submitted,

Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
September 9, 2004

Board Present	Robert Magee	Chairman
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
		Acting Recording Secretary
	Randy Robinson	Board Member

Meeting opened at 7:00 PM.

Minutes approved.

July 27, 2004

Motion made by Mr. Magee to accept. Seconded by Mrs. Fitzpatrick
All in favor. Carried

August 3, 2004

Motion made by Mr. Magee to accept. Seconded by Mr. Robinson
All in favor. Carried

Old Business

Concept Review/Special use

Catherine Powell – Wine Center Application # 2004-046
After a discussion the following list of requirements were compiled.

In addition to the items listed on the Site Plan Checklist the Board made the following requirements:

1. Access drive shall be shown to be 25' in width and shall meet NYSDOT Policy and Standards for Entrances to State Highways.
2. Identify surface treatments of parking areas.
3. Documents projected number of customer visit during hours of operation.
4. Estimated project cost.
5. Identify proposed hours of operation.
6. NYS SEQR, Long Form, Part 1 completed.
7. Define types of items to be sold in addition to wine.
8. If prepared foods are to be available, define scope, nature, and extent.

Planning Issues

Mr. Magee handed out the draft sign law for us to review.

Mr. Magee at the request of the Town of Urbana Board brought up that they are drafting a new law banning Adult Book Stores. They would like our

input. He stated that he would go on line at the proposed law on the NYS Planning Federation sight and get some information.

We also discussed if we should require a letter from the business partners to let Ms. Powell represent them in this action.

A. Motion for adjournment.
Motion made by Mrs. Fitzpatrick
Seconded By Mr. Magee
All in Favor
Carried
Meeting adjourned at 8:45.

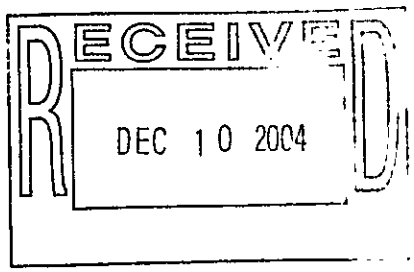
Respectfully Submitted,

E. E. Fitzpatrick
Acting Recording Secretary

Robert Magee (DP

Robert Magee, Chairman

Per phone call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Town of Urbana
Planning Board Minutes
September 7, 2004

Board Present	Robert Magee	Chairman
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
		Acting Recording Secretary
	Randy Robinson	Board Member
	Marvin Rethmel	CEO
	Dave Oliver	CEO
	Terry DeBuck	ZEO
Public Present	Jim Heil	Joe Hamilton
	Alan Lindmark	Catherine Powell
	StarrPerry	Dick Gardiner

The meeting opened at 7:02.

A. Review of minutes.
   a. July 27, 2004 — Will review Special meeting 9/9/04.
   b. August 3, 2004 — Will review Special meeting 9/9/04.

B. Old Business
   a. Subdivision
      None

   b. Special Use Permit
      1. Store 54 Application # 2004-008
         No new submissions.

      2. Hough Application # 2004-033
         No new submissions. Court Decision still pending.

   c. Concept/Site Plan Review
      1. Store 54 Application # 2004-008
         No new submissions.

      2. Locey Application # 2004-033
         No new submissions. CEO Mr. Oliver updated us by stating that Mr. Locey has talked to Dot about the backing into Rte 54 of his customers and that the complaint about the fence from a neighbor is being rendered. Mr. Locey has also removed the sign on Champlain Beach.

3. **Holly Application # 2003-076**
   CEO Mr. Oliver discussed with us that the applicant had called about the landscaping. There have been no new submissions.

4. **Long Application # 2003-029**
   No new submissions. After a short discussion it is understood that the applicant feels she has satisfied the conditions with the DOT and us. Mr. Magee will forward communication to the DOT to ask for their approval that the conditions have been met in writing.

5. **Forester Application # 2003-080**
   CEO Mr. Rethmel stated verbally and in a memo that the stairs are not considered a structure. Mr. Magee will forward a letter to applicant and neighbors.

6. **Hubbard Application #**
   Receive a memo from CEO Mr. Rethmel that stated that he is working on it with the applicant and that some of the matters have been resolved.

7. **Mary Millard Application # 2004-038**
   Mrs. Millard has withdrawn her application.

8. **Marc Rottman Application # 2004-007**
   After a short discussion it was decided that Mr. Magee will contact Mr. DeBuck see the status of the septic system.

9. **Tammy Campbell Application # 2004-041**
   Mr. Magee will contact Mr. Rethmel and make sure that the conditions are being met. CEO Mr. Oliver stated that the Junk is being cleaned up.

d. **ZBA Opinions**
   None

e. **Planning Issues**
   We discussed that we need to have applicants have any material in 2 weeks before the Planning Board meeting. That would give the necessary officials a week to go over before the paperwork comes to the board.

   Mr. Magee will contact each applicable official and ask:
   1. **Under law and their offices what can they do to bring our applications to a close?**
   2. **What truthfully will their offices do?**

3. What are the odds that these applications can be brought in to some form of compliance?
4. If there is nothing that can be done, we will or can just fold or close the application and move on.

C. New Business

a. Subdivision

1. Zimmer Nothing was presented.

b. Special Use

See Concept Review – Powell Application # 2004-046

c. Concept/Site Plan Review

1. Harvest Baptist Church Application # 2004-055

Mr. Lindmark was representing the church. They want to replace an existing sign.

Mr. Rethmel stated that the setbacks were okay. The property is in the agricultural district. The square footage requested for the sign is under the maximum. Mr. Rethmel suggested that we still send a 239M Referral to the County Planning Board.

Mr. Magee made a motion to waive further review on the condition that we get a favorable review back from the county. Mr. Duggan seconded.
Role call vote: Mr. Duggan aye, Mr. Robinson aye, Mrs. Fitzpatrick aye, Mr. Magee aye
Carried.

2. Catherine Powell – Wine Center Application # 2004-046

Ms. Powell gave a description of her project. It is located in an agricultural district. She wants to sell grapes, grape juice, wine, and related products. Wine tasting and snacks will be provided. She would like to do events like the wineries in the area. There will be no on premise processing and food preparation. She needs to do several extensive repairs, such as electrical, septic, furnace, roof, and a well, if the new water district is not up and running. (Mr. Gardiner responded that it would not be in effect till fall 2005.)She would like to repair the front porch and add a porch all around the barn. Hours of operation would be year round.

The purchase of the property does not hinge on the results of this application. There are 50-58 acres. The survey has not been completed yet. The property will be in her name and leased to the partners involved in the business.

Other questions:	
Restaurant plans?	No
Food preparation on premises?	No
Wine storage casts and/or barrels?	Yes
Bottling on premise?	No, Bottle storage.
Growing Grapes?	No, Not feasible.
Where the grapes and fruit come from?	Local farmers.
Gift shop?	Yes
Plans to use resident area shown upstairs?	Yes, 1 room. & bath. Office space
Contacted the Liquor Authority?	Yes
Estimate to get in to operation?	$75,000
Time table?	Spring 2005

Did she know there was R.O.W. to a piece of property in the back? We believe there is also a deed restriction in her deed restricting her from being able to sell food and/or alcohol.
She had not heard of the restriction. Ms. Powell plans on leaving the R.O.W. for that property and the Finger Lakes Trail.
It was recommended that she check on the deed restriction.
Jim Heil (owner of the Vinehurst Motel) said he had heard the same thing with his deed, but did not find it in his deed.

Mr. Retmel added that she needed to contact the DOT for her sign placement. A discussion came up about the old Gold Seal sign. She would like to keep it up for historical purposes. It was found that by law, she needed to remove it.

This project is allowed in the agricultural district. A special use permit is required because the product will not be grown on site.

Mr. Rethmel recommended that she put all phase in her application so that appropriate parking etc. and be put into place in the beginning. He suggested that we keep an eye on the amount of parking.
Ms. Powell responded that she was interested in leasing some from her neighbors, if needed. She stated that she has been in contact with the DOT about a possible traffic light in the area. They told her, no.

Mr. Rethmel stated that there is no code saying that they cannot have a living area. There may need to have a fire inspection with the combined business and residential use.

Mr. Terry DeBuck stated that he had not done an inspection of the property yet. He is 99% sure that an architect or engineer will be needed. Ms. Powell added that the cellar floor is 2/3 cement. Mr. DeBuck stated that if the bulk of the storage was in the basement it might help with structural concerns.

The septic system has already failed. The system requirements will depend on the intensity of use. She will be required to have a stamped engineered plan.

The health department only needs to be involved when there is food preparation on site. There are ADA requirements that need to be met.

Mr. DeBuck added he has no major concerns. The project must meet all local codes.

Mr. Magee went over the next steps in the procedures. He added that we would need to send a 239M referral to the county and wait for a response.

Mr. Magee made a motion due to the scope of this project we need to go to a full site plan review and special use permit.
Mrs. Fitzpatrick seconded.
Role Call Vote: Mr. Duggan aye, Mr. Robinson aye, Mrs. Fitzpatrick aye, Mr. Magee aye
Carried

Mr. Magee made a motion that this was an unlisted action. We are requesting a long SEQR form.
Mr. Duggan seconded.
Role Call Vote: Mr. Duggan aye, Mr. Robinson aye, Mrs. Fitzpatrick aye, Mr. Magee aye
Carried

D. Motion for adjournment. We will hold a work session On Thursday, September 9, 2004, to review minutes and work on Powell requirements.
Motion made by Mrs. Fitzpatrick
Seconded By Mr. Magee
All in Favor
Carried

Meeting adjourned at 8:45.

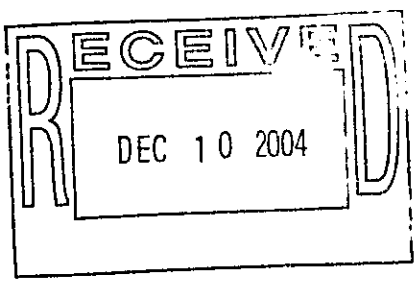
Respectfully Submitted,

_____

E. E. Fitzpatrick
Acting Recording Secretary

_____

Robert Magee, Chairman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Town of Urbana
Planning Board Minutes
August 3,2004

Board Present	**Robert Magee**	**Chairman**
	Jim Duggan	**Board Member**
	Betty Fitzpatrick	**Board Member**
		Acting Recording Secretary
	Randy Robinson	**Board Member**
	Paul Martuscello	**Board Member**
Public Present	**Richard Yartym**	**Tammy Campbell**
	Ed Sahrle	**Roberta Sahrle**
	Marietta Nye	**Don Horton**
	Pete Nye	**Kevin Bennett**

The meeting opened at 7:02.

A. Review of Minutes

July 6, 2004
Motion to Approve as amended made by Mr. Robinson.
Seconded by Mr. Magee
All in Favor.
Approved as amended.

B. Old Business

a. Subdivisions

b. Special Use

1. **Store 54 - Harnas Application #2004-008**
   No new submissions
2. **Hough - Application #2001-114**
   No decision. Court case still pending, no new submissions.

c. Concept Review/Site Plan Review

1. **Store 54 - Harnas Application #2004-008**
   No new submissions

2. **Locey- Application #2004-033**
   No new submissions

3. **Holley - Application #2003-076**
   Engineer asked if the short SEQR form was Ok. Mr. Magee went over the SEQR requirements with the board. If as the project continues and if we the board feel that we need more

information, we can ask that a long form be filled out. At this time we have two problem areas; DEC has referred to the permit for erosion on water quality and the visual impact. After the discussion was over and the board polled, it was decided that we ask for a long form at this time.

Mr. Martuscello made a motion to declare this an unlisted action. Seconded by Mr. Duggan.
All in favor. Carried.

4. **Long – Application #2003-029**
   No new submissions – waiting for DOT

5. **Forester – Application #2003-080**
   Mr. Forester was not present.
   There was interest to this project from the public.

   The Town of Urbana Planning Board had received a copy of a Decision that was in response to a suit filed by the neighbors. Mr. Sahrle took Mr. Forester to court for adverse possession.

   Mr. Sahrle says that he felt the judge said that there are legal precedents to prevent the use of the property in question.
   - **i. Ordered all construction to stop.**
   - **ii. Mr. Sahrle needs to prove the neglect of the easement.**
   - **iii. Mr. Sahrle says we need a site plan.**
   - **iv. The court order to halt all work was issued last fall.**
   - **v. Mr. Sahrle has contacted most of the past owners of his and his neighbor's (Nye) property and has gotten or will get dispositions from them.**

The Board informed Mr. Sahrle that before it is a matter for the Planning Board the ZEO must determine if the steps are a structure, and if so, do they require setbacks. Mr. Magee informed Mr. Sahrle that as a neighbor he could request this determination from ZEO Mr. Retmel.

Mr. Nye feels that if they are considered a structure a DEC permit is required. Mr. Sahrle added that Mr. Forester has now built steps from the Lake Road up to his house.

Mr. Magee told them that we did have a concept review meeting with Mr. Forester. At that time we informed Mr. Forester that we could not make any decision until it was concluded in the courts.

The Town of Urbana Attorney should have a copy of the decision and we will wait to get his opinion and advice.

We have already requested that Mr. Forester contact ZEO Mr. Rethmel for a decision in writing on whether the steps are considered a structure and if so do they need to get a variance for already done that.

Mr. Magee informed Mr. Sahrle that we can not make a decision as the board until we get a written report from the ZEO, that we are not aware what action may have taken place outside of this board.

6. Hubbard – Application #
   We never received a letter from the CEO. There are other project that we have not heard updates from. Mr. Magee will contact CEO Mr. Rethmel.

7. White – Application # 2004 – 022 ZBA hearing was held. The Town of Urbana Deputy Clerk indicated that the Variance was granted. If a variance was granted Mr. Duggan made a motion that we waive further review.
   Seconded by Mrs. Fitzpatrick
   Roll Call; Mr. Duggan aye, Mr.Martuscello Aye, Mr. Robinson: aye, Mrs. Fitzpatrick aye, Mr. Magee aye.
   Carried.

8. Rottman – Application #2004-007
   We held a discussion on this project. We have not received any new submissions from the Health or Watershed Departments. Their original permit does not run out till December 31, 2005. The extension would take them till them to December 31, 2006. Mr. Magee will write them and let them know we cannot make a decision until we hear from the Health or Watershed Departments.

9. Tammy Campbell – Application #2004-041

   We had some questions for Ms. Campbell.

Mr. Magee: Dumpster location is behind the building. We will require that it be screened from all sides. The stockade fencing is adequate.
Ms. Campbell: Yes, It will be done by Monday.

Mr. Magee Sign Location: Did you contact the DOT to make sure the sign is not placed in their Right of Way? If not she should before putting the sign up.
Ms. Campbell Mr. DeBuck gave her the measurements and signed off.

Mr. Martuscello Have we heard from the NYS Health Department?
Mr. Magee Stated that he talked to Mr. DeBuck and that Mr. DeBuck had no issues with the system. He had called the NYS Health Department and asked that they fax us the information on their decision. We have not received anything.
Ms. Campbell stated that Mr. Aires from the NYS Health Department is staying with his decision and feels that the system is not an issue. Mr. Aires stated to her he had faxed the report.

Mr. Magee: Mr. Yartym is the pile of metal and junk back by the second septic system belong to you? And was it not to be removed as a condition of a previous action?
Mr. Yartym: Yes, they are tanks for my pile driver. I will give the stuff away if anyone wants it.

Mr. Magee went over the new pavement resolution that we made At the June 2004 meeting. Then asked her what her response would be if she were told it would be required.
Ms. Campbell In all honesty I do not have the money. It would be an extreme hardship. It is in my business plan way down the road from now. I have received an estimate of $15,000-$20,000.
Mr. Norton feels that it would be Mr. Yartym's responsibility.
Mr. Yartym said he had checked out the businesses along Route 54 and had found that they are not all paved.

Mr. Magee informed Ms. Campbell that we the Town of Urbana Planning Board was in a position to work with her in that she was mislead of the processes. The

primary issue is that the property owner has skirted responsibility of past problems with the septic system. Yet the powers to be that oversee these issues have decided to not to pursue the issue. He also went over her landscaping plan. There is a copy in the file. He reminded her that the 19 parking spaces have to be delineated.

Mr. Magee made a motion that the project requires a full site plan review and that the information provided supplied adequate information for the board to make a decision. In her submissions there are no zoning and planning issues of such magnitude to require a public hearing.
Seconded by Mr. Martuscello.
Roll Call Vote: Mr. Duggan aye, Mr.Martuscello Aye, Mr. Robinson aye, Mrs. Fitzpatrick aye, Mr. Magee aye.
Carried.

The Board began the Site Plan Review and in their discussion made the following findings:

Findings

i. DOH indicates they never received engineered plans for the septic due to problems in 2001

ii. DOH issued a Permit to operate with the current system.

iii. Town of Urbana Watershed officer has indicated the system has passed.

iv. The dumpster placement is okay. We indicated that the board has an ongoing effort to require that dumpsters are to be screened from all sides. The dumpster is visible from all property sides and Rte 54.

v. The metal and junk does not belong to the applicant but to the owner of the property.

vi. There is an ongoing history of metal and junk on the property, despite the owners promise to remove. Mr. Yartym has agreed to remove it.

vii. Pavement - Applicant was mislead to the application procedures and entered into a lease and business loan with out realizing the full extent of the Town of Urbana Planning Board arequirements.

viii. This Board has the right within Section 88 to waive the strict requirements if compliance creates a severe hardship as long as the intent of the law is upheld.

A motion to accept the findings was made by Mr. Duggan.

Seconded by Mr. Robinson.

All in Favor. Carried.

Mr. Magee made a motion to approve the application contingent upon the conditions:

i. Dumpster needs to be screened on all sides.

ii. Trees need to be planted as per plan.

iii. The parking spots need to be delineated. This may be done with curbers, landscape timbers, or an approved construction material.

iv. The property owner must remove or cause the removal of the scrap metal and refuse on the property within 45 days of opening.

v. Upon expansion of the business and/or failure of the septic system the Board will seek to acquire an engineer to examine the site and system at the owners expense with the intent of requiring that the septic system be upgraded to current Code.

Seconded by Mr. Robinson.

Roll Call Vote: Mr. Duggan aye, Mr.Martuscello Aye, Mr. Robinson aye, Mrs. Fitzpatrick aye, Mr. Magee aye.

10. Bennett Application #2004-029

Permit is for demo and rebuild. At our last meeting we asked Mr. Bennett to speak to CEO Mr. DeBuck and see if any type of hazardous materials survey needs to be done.

Mr. DeBuck responded in writing saying that a survey is not needed. CEO Mr. DeBuck also responded to Mr. Magee verbally that a survey was not needed.

Mr. Magee checked with the state, as he had heard of this requirement at a Planning seminar. He spoke to Dan Coyle at the NYS Department of Labor who stated that there is a code Sect 906-Sub 56-1.9, requiring a survey for asbestos. This is required in all demolitions except agricultural structures or building constructed after January 1, 1974. Mr. Coyle also quoted Section 10 Article 241. Mr. Magee read from the different transcripts of these conversations and requsted that they be attached to the minutes.

Mr. Robinson made a motion that we waive any further review. We will pass this memo to the Town of Urbana Attorney, Mr. DeBuck, Mr. Bennett, and the Town of Urbana Fire Commissioners.
Seconded by Mr. Duggan
Roll Call Vote: Mr. Duggan aye, Mr.Martuscello Aye, Mr. Robinson aye, Mrs. Fitzpatrick aye, Mr. Magee aye.

11. Millard – Application #2004-038
    Not present.

d. ZBA Opinions
   None
e. Planning Issues
   1. At his request, a letter from Mr.Martuscello concerning planning issues was read into the minutes.

   2. The board went over a draft of a letter concerning planning issues that is being sent to the Town of Urbana Board. Attorney Flynn offered to go over this with us prior to sending it. The Board felt he should review it for any legal issues but also wanted to be sure that it was in our own words.

C. New Business
   Nothing New
   a. Subdivision
   b. Special Use Permit
   c. Concept Review/Site Plan Review
   d. ZBA Opinions
   e. Planning Issues
      General discussion.

D. Other

The Board drafted a memo to the Town Board Town of Urbana suggesting a plan for Town lands in front of the Town Barn.

E. Motion for adjournment
Motion made by Mr. Martuscello
Seconded By Mr. Magee
All in Favor
Carried
Meeting adjourned at 9:20.

Respectfully Submitted,

_____
E. E. Fitzpatrick
Acting Recording Secretary

_____
Robert Magee, Chairman

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Town of Urbana

Planning Board Minutes
July 27,2004

Board Present	Robert Magee	Chairman
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
		Acting Recording Secretary
	Randy Robinson	Board Member
	Paul Martuscello	Board Member

Public Present	Richard Yartym	Tammy Campbell
	Lee Dickson	Justin Dickson
	Bill Venema	Paul Wood
	Tim Akers	Don Horton
	Rita Moretti	Mike Moretti

1. Public Hearings:

a. Rottman: Extension of site plan and amended special use permit Application # 2004-007, opened at 7:05.

Chairman Mr. Magee read in to the minutes the notice of the public hearing and reviewed the original site plan and special use permit application for the public. They were granted an extended 5-year plan to end 12-31-05. They have asked for an extension of 1 year for completion and would like to add one more bedroom (making total 5 bedrooms) and an on premise catering service for off premise consumption.

Questions raised: Contractor Tim Akers answered questions relating to the construction.

Mr. Brooks: Is the added room request part of the original floor plan or is it an addition?
Akers: Yes, it is part of the existing apartment.

Mr. Magee: All bedrooms in the main house will be rented as part of the B&B?
Akers: Yes, the barn will become the homeowners living area.

Rita Moretti: She is very pleased to see a project such as this coming to the area.

Mr. Magee brought up the restriction that was part of the deed, restricting business on the premise.

Mr. Wood said he signed off for the B&B, but there is still a restriction for liquor.

Mr. Magee; Is the 5th bedroom a problem?
Mr. Wood: No.

Mr. Duggan: What has been done with the septic system?
Mr. Akers; They have an engineer. Currently there are two systems. One or these may not be effective.

Mr. Martuscello: Additional Parking?
Mr. Akers: Yes there is a plan.

Mr. Robinson: Is there documentation for the septic?
Part of our final decision can be a request for written documentation from the engineer and/or Mr. DeBuck.

Mr. Magee: Is there a time-frame plan?
Mr. Akers; The exterior is first. Next by winter, the electric and heat should be completed.

Mr. Magee entered the complaints that have been received considering the work site conditions. The main complaint has been for the lawn not being kept.

Bill Venema: I suggested that you give them a three-year extension.
Mr. Magee: We can give them a least what they asked for with the option of requesting another extension.

Call- via telephone-conference to Rottman and;

Mr. Magee informed them about our discussion with the public and that Mr. Akers had answered many of the questions.

Mr. Magee: Do you affirm that the answers you provide, both written and verbal are true to the best of your knowledge?
Mr. Rottman: Yes
Ms. Meriski: Yes
Mr. Magee: Will the meals be only for guests or off premise dining?
Mr. Rottman: Yes

Mr. Magee Date for completion?
Mr. Rottman: 2006

Mr. Magee; Will the 5th room be for the owners or where will they reside?

Mr. Rottman: They plan on residing in the barn.

Mr. Magee: Do you have an engineered septic plan?
Mr. Rottman: Not yet, hoping to have by end of the summer.

Mr. Magee: Are you working with the NYS Health Department?
Mr. Rottman: Yes, but they cannot move forward until they get the septic issue settled.

Mr. Magee: You are only asking for a one year extension?
Mr. Rottman; Yes

Mr. Magee: There has been concern about the work sight upkeep – the weeds and debis.
Mr. Rottman: Via Mr. Akers there is not a lot of lawn standing. The septic is to be ASAP.

Mr. Magee; Landscaping Plan?
Mr. Rottman; We are hoping to work on landscaping by the end of 2004 summer/fall. That also depends on the septic.

Closed public hearing at 7:27.

Later discussion on the Rottman application.

We have no information from the NYS Health Department or the Septic plans. The main complaint we have had was for the lawn upkeep. There is a Property Maintaince Law that was adopted into the NYS Building Codes that could be used. They have asked for a 1-year extension ending 12-31-06. We will revisit this issue at our regular meeting 8-3-04. Possible wording for a contingent: We grant a one-year extension as long as we see improvements being made and they can supply a time for completion. At the end of the extension, if not completed we reserve the right to revoke.

b. Dickson: Site Plan Application # 2003-085, opened at 7:28.

Chairman Mr. Magee read in to the minutes the notice of the public hearing, the 239M referral from the county deferred to the Town of Urbana planning board, and reviewed their application.

Mrs. Dickson stated the demo of the building had been done.

No questions from the public.

Mr. Mage: Only to clarify-How long will the traffic be interrupted during the construction of the tunnel? Will the applicants notify the emergency services when it is being done?

Mrs. Dickson; 1-2 days and yes, we will notify Dave Buckley.

Closed public hearing at 7:31

Later discussion on the Dickson application.

Mr. Magee made a motion to approve the application based on these findings and contingent on adequate documentation of notification to Town of Urbana highway department and emergency services, 2 weeks prior to the closing of the Lower East Lake Road.

Findings;

i. No negative public comments.
ii. 239M county referral- indicates nothing revealed and no significant countywide concerns.
iii. Application complete. It contains a series of detailed plan drawings with elevation. As well stamped engineered plans of the resident and tunnel.
iv. No Negative SEQR issues were raised.

Mr. Duggan seconded.
Roll Call Vote: Mr. Magee aye, Mr. Duggan aye, Mr. Martuscello aye, Mr. Robinson aye, and Mrs. Fitzpatrick aye.
Carried.

2. New Business:

a. Concept Review:

i. Tammy Campbell application # 2004-041

She would like o open a restaurant 8448 Rte 54, property owned by Richard Yartym.

Ms. Campbell gave a quick narrative of her project. She stated that she has approval from the Town of Urbana CEO Marvin Rethmel, Town of Urbana Building Inspector Terry DeBuck, and the NYS Health Department. She has approval for a temporary sign. She plans on making no changes to the exterior of the building. Keeler services have renewed the gas lines, electric, and plumbing. There have been no major changes to the interior, just normal remodeling. The restaurant will have all new equipment, can seat 68, and will be open 6am –8pm daily. The menu will consist of a dinner buffet 7 days a week and on Sunday a breakfast buffet. There is no plan for alcohol. Because it is located in the Wine Country, she may consider wine in the future.

Other question raised by the board:

1. **Letter from Mr. Yartym authorizing her to apply? Yes**
2. **Parking Plan? Yes, 18.1 needed. Stoppers plan included in packet. With new stone in parking area.**
3. **There are two driveways, will they both be used? Mr. Yartym stated that one driveway had been blocked off, the state only allows one.**
4. **Dumpster? Already there, not screened. Set back on property out of sight.**
5. **Water? Public water system.**
6. **Well? It has been shut off, only public water system.**
7. **Dept of Health Permit? Approved. She supplied a faxed copy. All suggestions by Health Department have been answered.**
8. **Mr. Martuscello asked about her landscaping plan. Ms. Campbell stated she is willing to put in some trees and submitted a landscaping plan.**
9. **Mr. Magee asked about the septic system. Ms. Campbell affirmed that ZEO Mr. Rethmel has approved plan, CEO Mr. Debuck has re-inspected and approved the septic system, and the Health Department has issued a Permit to operate a restaurant.**

   Mr. Magee said that he had spoken to Joanne Clark from the Health Department. She stated that on 6-5-01 the Health Department had requested an engineered septic plan, based on a history of problems with the system.

   Mr. Yartym stated he had never received a request. He stated that there was a drainage problem that was a result of the Town of Urbana road drainage problem. They have since remedied the problem. Ms. Campbell stated she had talked to the Health Department and that they investigated and the complaints were unfounded. Lenny Aires from the Health department told her that all issues were resolved.

   Mr. Magee said that this issue could be resolved by a fax from the NYS Health Department.
10. **Mr. Yartym commented that the previous restaurant closed 8-31-02.**
11. **Mr. Martuscello asked about her sign drawing. She stated there was one in the packet. Signs Plus was doing the sign.**

Mr. Magee went over the process with Ms. Campbell. Then he suggested that the board would go over all the information. He will try to get more information on Wednesday from the NYS Health Department.

Ms. Campbell would like to open 8-2-04.

Later discussion on Campbell application.

We feel we lack complete information on:

1. 68 seats- parking delineated on map for 18 cars
2. Septic- Mr. Magee will call Lenny Aires at the Health Department.
3. Dumpster screened.
4. Location of Sign
5. Landscaping Plan – Drawing and number of trees per parking area.
6. Parking Area paved
   A lengthy discussion followed this. We just pasted a resolution at the June 1, 2004 meeting that we required paved parking areas. Do we have Ms. Campbell get a bond to pave approach and 18 spaces with in one year of opening? If not done she will forfeit bond and town will force action. If the business closes by that date we would release the bond.
   Or do we have her paved approach and handicap parking only.

Bob made a motion that we require before opening date pavement of entrance and parking area for 19 parking spaces or a performance bond guaranteeing pavement be done within one year of opening date. Mr. Martuscello seconded. Carried.

Mr. Magee will forward a list of our concerns to CEO MR. Rethmel.

b. Mary Millard Application # 2004-038

No one present.

c. Terrance Woodworth Application # 2004-039

Tim Akers was representing Mr. Woodworth. There is a letter in file stating he can represent him.

Mr. Akers gave an overview of the project. Basically they want to raise the roof structure, just extending the roofline in elevation, not to exceed 25 foot in height. There is no cellar, only a crawl space; the mechanicals have all been updated.

Mr. Magee made a motion that we waive any further review, as this action will have a small impact. Mr. Robinson seconded. Roll call: Mr. Magee aye, Mr. Duggan aye, Mr. Martuscello aye, Mr. Robinson aye, and Mrs. Fitzpatrick aye. Carried. Mr. Magee will notify Mr. Woodworth, Mr. Akers, Mr. DeBuck, and Mr. Rethmel of our decision.

3. Planning Issues

A discussion was held concerning some planning concerns.

4. Motion to adjourn

A motion to adjourn was made by Mr. Duggan. Seconded by Mr. Magee. Carried.

Meeting adjourned at 9:45

Respectfully Submitted,

E. E. Fitzpatrick
Acting Recording Secretary

Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
July 6,2004

Board Present	**Robert Magee**	**Chairman**
	Jim Duggan	**Board Member**
	Betty Fitzpatrick	**Board Member**
		Acting Recording Secretary
	Randy Robinson	**Board Member**
	Dave Oliver	**CEO**
Public Present	**Kevin Bennett**	**Jim Presley**
	Lance Locey	**Wayne F. Holly**
	Cameron Dunlop	

Regular Meeting: Opened 7:19

1. Old Business:
   a. Special Use Permit:
      i. Store 54 – Harnas Application # 2004-008
      Nobody present to represent the application.
      ii. Hough Application # 2001-114
      There is still a Court decision pending. We will wait for further action when we get notice of decision.

   b. Concept/Site Plan Review:
      i. Store 54 – Harnas Application # 2004-008
      Attorney Wallace called Mr. Magee and said that he had a conflict with the meeting date. Conflict with the date should not have been a problem, as he did not need to be present to make submissions.

      Upon further discussion a motion was made by Mr. Duggan to authorize Mr. Magee to contact the State Health Department and the State Liquor Authority to ask for their assistance in getting a joint effort in resolution of this matter. Seconded by Mr. Magee. All in favor. Carried.

      ii. DeMay Winery – Application #
      Application for addition and driveway has exceeded year time table. Notified in writing that he will have to re-apply, with a new file.

      iii. Long – Application # 2003-029
      We are waiting to hear from the DOT that they have complied with the state requirements.

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iv. Forrester – Application # 2003-080
There has been nothing new submitted. Legation is still pending.

v. Hubbard – Application #
We discussed the letter CEO Rethmel had sent to Mr. Hubbard. The certified version was returned undeliverable. The regular mail was not returned. Atty. Flynn stated that an appearance ticket could be issued. Mr. Magee will notify in writing CEO Rethmel to keep us up to date and to let us know what his next action is.

vi. Dickson – Application # 2003-085
All his submissions are in and the application is ready for a public hearing Mr. Duggan made a motion for Chairman Magee to set a public hearing on July 27, 2004 at 7:00 pm. Mr. Robinson seconded. All voted in favor. Carried.

vii. White – Application # 2004-022
Mr. White applied for a variance for the side yard setbacks And the building being deemed to be 3 stories high. The ZBA granted the side yard setbacks but informed the applicant that he would have to re-apply for a variance if the building is to be 3 stories high. Chairman Magee sent a letter to the applicant to keep us informed and up to date.

viii. Tuzzalino – Application #
Application went to the ZBA and was a variance was granted. File is closed.

ix. Rotman – Application # 2004-007
Original application was for a phased Site Plan project and a Special Use/B&B. They have applied for an extension, to add a bedroom, and to do on premise catering. There has been a lot of public concern due to the condition of the construction site. Atty. Flynn agrees that a new public hearing is needed. Chairman Magee will make sure the file is complete before setting public hearing. Mr. Magee made a motion authoring he, the chairman to set the public hearing date for July 27, 2004, if the file is complete. Seconded by Mr. Duggan. All in favor. Carried.

x. Holly – application # 2003-076
We have received several new submissions.

Jody Allen faxed us a letter on June 25th that she feels will answer our questions. Letter is attached.
Items/our responses;

a. Letter from the Soil and Conservation Department:
   No response from them to Jody Allen, yet.
   We need a copy of the response.
b. Short EAF:
   Mr. Magee considers this an unlisted action so all that is needed is the short SEQR form. He recommends that we accept the short version with the option to go to the long form if we feel necessary in the future.
c. New revised plans received:
   1. Documentation of ownership
      Okay
   2. Mean high water
      Okay
   3. Centerline of driveway
      Was marked.
   4. Same as above
   5. Driveway drainage
      Yes
   6. Excavation amount
      Will be a lesser amount now that the cut is less and a retaining wall will be used.
   7. Proposed house plans
      Yes
   8. Erosion control
      See a above
   9. Retaining wall
      Yes
   10. Excavation permit
      Will still be due to the grade of the driveway. Mr. Holly added that one will be issued upon this board's approval.
   11. Short EAF:
      See b above
   12. NYS DOT permit
   13. Received copy.

Questions raised were;
Do you intend to build a house in the future? (Yes)
When? (There is a letter in packet. 2006?)
Do realize that the location for the house tentatively is in the 100 year Flood Plain? The house will have to build up.
Does Applicant understand that the state requirements may dictate the location of the house? (Yes)

CEO Oliver showed us a slideshow of the driveway. Then proceeded to go over his list of requests. See attached. He feels the retaining wall is better than the loss of the trees in the first plan. Mr. Holly stated that he and Mr. Oliver had discussed the visual impact and talked about the possibility of pine trees along it. CEO Oliver will update his list comparing with above list and send to Mr. Holly along with our requests of visual impact of retaining wall plans and reminding him we need a copy of the response from the Soil and Conservation Department.

Mr. Magee made a motion that he the Chairman set a date for the Public hearing upon receipt of responses to our and CEO's requests, questions, issues, and concerns. Mr. Duggan seconded. Role call: Jim aye, Randy aye, Betty aye, Bob aye. Carried.

xi. Cavillo – Application # 2004-005
A letter was sent requesting him to keep us up to date with his plans.

xxi. Lapierre – Application #
A letter was apprising him that the time limit was up. He would have to start building, ask for an extension, or re-apply.

2. New Business:
   a. Concept /Site Plan Review
      i. Urbana Board/Locey – Application # 2004-033
The Town of Urbana has proposed a lease to Mr. Locey, to expand his business; Keuka Watersports. They are proposing leasing a piece next to the Keuka Maid for a floating dock. This would give Mr. Locey access to the lake to offer boat rental, skiing lessons, jet ski rental, sunset cruises. Mr. Presley gave us an overview of the project. The offer could not include the dock the Keuka Maid now uses. The lease to the Keuka Maid is for their use solely. The dock will be located 50' from the Keuka Maid toward the creek. The dock will be 300' long and they are allowing him signage to represent the business.

Questions:
Mr. Magee asked if any business would be done on site or would the arrangements be made at the primary business location on Rte 54. Will there be anyone on site? Mr. Locey responded that there will be a person on site part-time

depending on demand and that arrangements would primarily be made at the office on Rte 54 and then the customer will go to the launch site.

Mr. Magee asked Mr. Presley if the creek was the dividing line to the beach area. What will be the hours of operation? Mr. Presley responded yes, but a survey was being done. The Town of Urbana Board has left it opened, due to the hours of the Keuka Maid, but they have a built in clause where they reserve the right to restrict the hours in the future.

Mr. Robinson asked if this was an opportunity that was to be offered to all Town of Urbana residents. Mr. Presley stated yes.

Mr. Robinson was concerned about the rental rates. Asking if they were a fair. They seemed on the low side. Mr. Presley responded that they felt this was the way to go to support our new Comprehension Plan giving more access to the lake to the public.

An in-depth discussion followed. Mr. Magee added that we ended up here because a citizen felt that the Town of Urbana was selling off Town property at a rental rate that was too cheap. The Town of Urbana came in front of us as any resident would have to for a project. There was more discussion. Mr. Magee stated that, yes the Town of Urbana needs to go through the process. Atty. Flynn added that this is only the second such project that has come before the Town of Urbana Board.

Mr. Magee asked if they had gotten a sign permit, yet. The response was, no. They need to apply for one.

Mr. Magee made a motion to waive any further review, to defer to the Town of Urbana board's agreement as per the lease with Mr. Locey and assuming that the Town of Urbana will take care of pertinent issues with the use of this property. Mr. Duggan seconded. Role call vote; Jim aye, Randy naye, Betty aye, Bob aye. Carried.

ii. Locey – Application # 2002-020

Mr. Magee asked Mr. Locey about the letter we had received requesting site plan changes. Mr. Locey was told that we need a new concept review application, documenting the changes on existing map with dimensions. We may need

documentation from neighboring business on placement of equipments on the setback areas. Mr. Presley says he has the neighboring business, they have already given him permission. Mr. Magee told Mr. Locey that there have been many complaints about customers and delivery vehicles backing into Rte 54 and/or parking along Rte 54. What happened to the trees that were planted? Mr. Locey states that the deer damaged the trees and he was forced to take them out. He is now planning on going back to his original plans of a fence and later adding trees. Atty. Flynn and Mr. Magee asked CEO Oliver to help Mr. Locey out with the dimensions, parking problems, and setback areas needed to complete his changes.

iii. Bennett – Application # 2004-029
Demolition and re-build house
They had planned on remodeling, but upon opening walls they found non-repairable damage. The house will be built on the same floor plan as the old with exception to the entryway being moved. He added that the few changes being made from the original floor plans actually lessen setback areas.

Mr. Magee told him that we need in writing, CEO Rethmel's determination of whether a variance is needed. Mr. DeBuck told him a demo permit is required, but to do a concept review first.

The house was built in approximately 1936. After attending a seminar, Mr. Magee learned that a Hazardous Material form may need to be filled out, the house was built prior to 1976. Mr. Bennett needs to get response in writing from Mr. DeBuck.

Mr. Robinson asked who the contractor was, how will it be demolished, where will the debris be taken to? The contractor is Floyd Helm he will knock down the house, and legally haul the debris to the landfill. The height of the building will be under the 35' height limit.

Mr. Magee made a motion that we wait for further submissions before taking any action on this application.
Mrs. Fitzpatrick seconded.
All in favor. Carried.

iv. "Yartym's" Restaurant

CEO Rethmel has received an application and has asked our opinion. Applicant name unknown at this time. She is now running a restaurant in Savona. After discussion we all agreed a concept review is needed. Mr. Magee will notify in writing CEO Mr. Rethmel.

b. Planning Issues

i. Lakefront Purchase Opinion

The board discussed whether or not they should make a formal opinion on the Lakefront purchase. The conclusion was that we should not issue a formal opinion as the Planning Board.

3. Approval of minutes.

Minutes for June 1, 2004 were discussed and reaffirmed the wording of the minutes regarding the resolutions. A motion was made by Mr. Magee to approve with the spelling change. Mr. Duggan seconded. All in favor. Carried.

4. Adjournment:

Motion made by Mr. Robinson to adjourn. Seconded by Mr. Duggan. All in favor. Carried. Meeting was adjourned at 11:00 pm.

Respectfully Submitted,

E. E. Fitzpatrick
Acting Recording Secretary

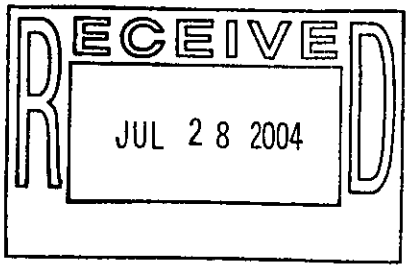
Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
June 1, 2004

Board Members:	Bob Magee	Chairman
	Randy Robinson	Board Member
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
	James Duggan	Board Member
	Brian Flynn	Attorney
	Carly McConnell	Recording Secretary
Public Present:	Thomas Harness	Wayne Holly
	Michael Smith	John Rundell
	David Wallace	Jody Allen
	Stanley Roman Jr.	Larry White
	Phil Dickson	Mike Stevens

Regular Meeting: Opened 7:05PM

1. Old Business:
    a. Special Use Permit
        i. Griminzos Roadhouse – Tom Harness:
            1. Attorney Wallace questioned the Board regarding Building Permit and Watershed Permit applications that he had received. He stated that he did not feel they applied to his client's project, therefore he did not submit them. Chairman Magee indicated that those applications were pertinent so that the Board could assess whether the septic system was adequate and to help the Building Inspector calculate any State Fire and Building Code requirements. He advised Attorney Wallace to contact Mr. DeBuck for specifics. Attorney Wallace stated that there is no change to the waste water system on the site and that it has not recently been inspected. Attorney Wallace advised the Board that he received a letter from the New York State Health Department, (dated May 3, 2004), approving the septic system. Chairman Magee responded that he had contacted the Health Department and was told that the system was suspect and that they had asked for engineered drawings of the system from Mr. Harnas. The Health Department also indicated to Chairman Magee that the current system might not be able to handle the change in business. Chairman Magee requested a copy of the letter and Attorney Wallace provided it to the Board with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JUL 28 2004

additional submissions. The Board indicated that they had to review the submissions and would contact the applicant at a later date.

ii. Hough – Attorney Flynn will contact applicant's attorney to set up a meeting with the Board.

iii. Lance Locey – Mr. Locey contacted the Town Board to request leasing land at Champlain Beach for boat rentals, sunset cruises and ski lessons. Applicant would also like to make changes to his existing application.

b. Concept/Site Plan

i. Holly – Jody Allen (Engineer) provided the Board with current plans on the project and indicated changes from the original plans. Proposed changes would include a retaining wall. This new plan would have less of an impact on the site than the original plan. Board held discussion and reviewed the new drawings with the applicant and Jody Allen. The applicant will provide the new submissions at least 10 days prior to the next meeting (July 6). A Board Member requested that Dave Oliver contact the Soil & Water Commission to review the new submissions. The Board asked the applicant and Jody Allen of the adequacy of the ability of emergency vehicles to access the property. Jody Allen does not feel it is an ideal site, but better that some on the lake.

ii. Long – Board received a letter from the DOT regarding changes that need to be done to the site. Board sent a letter to applicant's attorney (Plaskov) stating that after notification of completion by the DOT the Board would revisit the application.

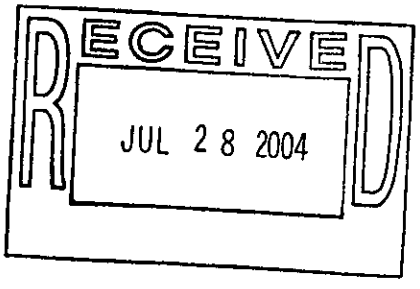
iii. Dickson – Board reviewed new drawings with the applicant. The house and tunnel will be started this fall. Board requested the applicant to have 3 sets of stamped plans forwarded to the Board. Upon receipt of the drawings the Board will set up a public hearing.

2. New Business:

a. Concept/Site Plan Review

i. Lawrence White Application #2004-022. Proposed project is new construction of a 3 story single-family residential home located at 10090 West Lake Road. The project would also include the demolition of the existing cottage on the site. The Board advised the applicant; that a variance is required for a 3 story residence and possibly for side set backs. The Board advised the applicant to contact CEO Rethmel regarding any variances that are required. Applicant noted that in 2003 a new septic was put in; upon purchasing the property.

ii. Mike Smith & John Rundell Application #2004-026. Proposed project is to remodel existing cottage with no change in existing footprint. Also, included would be to replace existing deck and bring it up to code. Mike Smith is the contractor and file contains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an authorization letter for Mr. Smith to represent owner Mr. Rundell in this matter. The property is located at 372 East Lake Road. Applicant indicated the encroachment issue has been resolved and submitted copies of the 1989 court decision to Attorney Flynn. Attorney Flynn will provide the Board with certified copies of the decision. Mr. Smith indicated he has been in contact with Mr. Debuck; who stated the septic would have to be inspected again. The Board requested a copy of Mr. Debuck's inspection of the septic. Mr. Magee made a motion to waive any further review on this project contingent upon Attorney Flynn's assessment of the encroachment being adequately addressed and approved septic from Terry Debuck. Seconded by Mrs. Fitzpatrick. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Robinson-aye, Fitzpatrick-aye.

3. Minutes
    a. Minutes were reviewed from April 26, 04. Mr. Magee made a motion to approve as submitted. Seconded by Mr. Duggan minutes were approved.
    b. Minutes were reviewed from May 4, 04. Mr. Robinson made a motion to approve as submitted. Seconded by Mr. Magee and minutes were approved.
4. Planning Issues

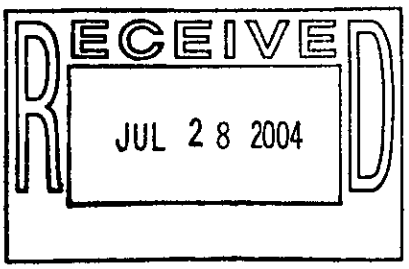
Mr. Magee made a motion to adopt policies, by Resolution, establishing certain Site Plan review standards:
In an effort to establish consistent review standards the Planning Board shall resolve, by majority affirmative vote, to establish the following policies:

A). When applying the standards outlined in Section 88-14. GENERAL STANDARDS AND CONSIDERATIONS, paragraph 2 " Adequacy and arrangement of vehicular traffic access and circulation, including street widths, intersections, traffic problems on adjoining streets, pavement surfaces, dividers, and traffic controls as well as the proximity to places of public assembly.", the Planning Board shall utilize the standards outlined in the publication NYSDOT Policy and Standards for entrances to State Highways as a minimum guideline and standard.

B.) When a reviewing a Site Plan which includes a public parking lot, as regulated by Town of Urbana Code 105-31, A, which requires that parking areas "shall be suitably paved" the board shall accept the Merriam-Webster Dictionary definition which defines "pave" as "to lay or cover with material (as asphalt or concrete)".

In a specific instance where the strict application is not practical the applicant can request a waiver in the manner afforded by the Town Code.

    a. Seconded by Mr. Robinson. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Robinson-aye, Fitzpatrick-aye.
    b. The Board will draft a letter to the local fire department and ambulance requesting standards and conditions that the Board should consider on new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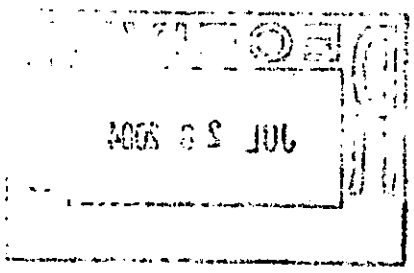
projects; that would assist the local emergency response crews to access property locations.

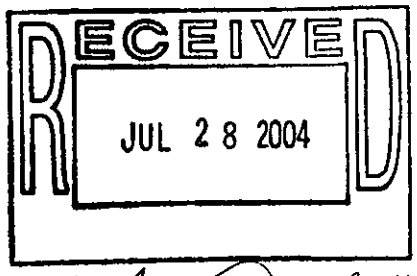
Mr. Magee made a motion to adjourn meeting. Seconded by Mrs. Fitzpatrick. All were in favor.

Meeting Adjourned 10:15PM

Respectfully Submitted,

Robert Magee, Chairman





Sent to Terry, David, Marvin & Brian

Town of Urbana
Planning Board Minutes
May 4, 2004

Board Present:	Robert Magee	Chairman
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
	Randy Robinson	Board Member
	Marvin Rethmel	CEO
	Carly McConnell	Recording Secretary
Public Present:	Tim Akers	Larry Tuzzolino
	Dianne Tuzzolino	Mike Cavallaro
	Anthony Cavellaro	Cameron Dunlap

Regular Meeting: Opened 7:05PM

1. New Business:
    a. Concept Review:
        i. Rotman Application #2004-007 – Applicant would like to amend and request an extension on the original Site Plan. Board held discussion and talked with the applicant's contractor (Tim Akers). Mr. Magee made a motion to require a new site plan review process and a public hearing. Seconded by Mrs. Fitzpatrick. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Robinson-aye, Fitzpatrick-aye.
        ii. Tuzzolino Application #2004-008 – File contains letter authorizing Tim Akers (Contractor) to represent applicants in this matter. Proposed project is the addition of a porch (located on lakeside and north side of structure) and roof. Variance would be required on the north side for the set back requirements. CEO's report indicated variance also required for lot density. Proposed project would be for a year round residence. Mr. Magee made a motion for the Board to wait until after the ZBA ruling to move forward with this application. Seconded by Mr. Duggan. Roll Call Vote: Magee-aye, Duggan-aye, Robinson-aye, Fitzpatrick-aye. Mr. Martuscello was not present at this roll call vote.
    b. Planning Issues:
        i. Board held discussion and will forward a letter to Town Board, regarding variances.

2. Old Business:
    a. Concept Review/Site Plan Review:
        i. Cavalaro – Application for variance got turned down. At this point the applicant would like to get a septic approved. Board held

discussion with applicant and he will follow through with Terry DeBuck regarding the Watershed Permit.

ii. Demay, Holly & Forester – No new submissions on these applications.

b. Special Use Permit:

i. Store 54 – Applicant's attorney asked for specifics on the Site Plan Review Check List. Board reviewed list and will forward information to applicant's attorney. The Board also decided that no more time extensions should be granted to the applicant. The Board noted that the applicant has granted extensions for every request. The Board felt that if Mr. Harness does not return the Site Plan information by the next meeting that all involved agencies be contacted in an effort to bring him into compliance.

c. Other Information:

i. Long – Board held discussion regarding a letter to be forwarded to applicant's attorney. Board feels that it should be revised to be brief and informative compared to its current state and not respond to Mr. Plaskov's offhanded remarks.

Mr. Magee made a motion to adjourn meeting. Seconded by Mr. Martuscello. All were in favor.

Meeting Adjourned 9:30PM

Respectfully Submitted,

Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
April 26, 20043

Board Members:	Robert Magee	Chairman
	Randy Robinson	Board Member
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
	James Duggan	Board Member
	Dave Oliver	CEO
	Marvin Rethmel	CEO
	Carly McConnell	Recording Secretary
Public Present:	Thomas Harness	
	David Wallace	

Special Meeting: Opened 7:02PM

1. New Business:
    a. Concept Review:
        i. Griminzos Roadhouse – Tom Harness:
            1. Dave Oliver has recused himself from the application process, due to his son working for Mr. Harness.
            2. The Board explained to the applicant that Section 88 of the Town Code calls for concept review application and site plan with any changes to existing uses. The Board considers the change from Store 54 to Griminzos Roadhouse would fall under this section.
            3. Dave Wallace (attorney for Mr. Harness) stated that they realize there are changes. In 1994 (when Store 54 opened), customers bought items for consumption on or off premises. There are some changes in the items, but customers are still buying items to consume on or off premises. He has not changed the use of the property. The intensity has not changed.
            4. The Board explained that the change is from a grocery store to a bar. The type of hours the location is open and activity on the property is a change.
            5. Site plan on a bar requires different permits than that of a grocery store. Fire and safety codes, watershed and ingress and egress are also different for a bar.
            6. The Board is concerned with the changes from a grocery store to a bar.
            7. The Board expressed the public questions and concerns when the location changed from a store to a bar. Other

applicants going through this process are asking why Mr. Harness did not have to go through the same process.

8. Mr. Wallace stated it did not go from grocery store to bar, but from one type food service to another.
9. The Board basis their conclusion of change significant to warrant this concept review:
    a. February 1, 02 (approximate); The proposed method of operations (letter from Mr. Harness read into minutes)
    b. On a later date the liquor license shows a different floor plan. Showing a bar were shelves use to be.
10. It is not a physical change, but there is a change of activity at the location.
11. Mr. Wallace asked the Board that if we are here for Concept Review would it safe to say the Board knows what is going on? He also stated that normally concept review would be for what you are going to do in the future and specific issues you want us to address.
12. Board Questions/Concerns (with applicants responses were applicable)
    a. What are the hours? Currently closed on Monday, Tuesday to Friday 11am-1am, Saturday 12n-1am and Sunday 3pm-1am.
    b. On premises dinning? Yes, it has always been that way.
    c. Take out? Yes.
    d. Live entertainment? No set plans; but do it periodically.
    e. Outdoor activity? No confirmed plans, but have thought about it. Liquor Board limits what you can do.
    f. Occupancy rating? Was told by Mr. Debuck that under uniform fire and building code it was not issued.
    g. What is the seating capacity? Approximately 50.
    h. Parking Spaces? Approximately 40
    i. Square footage? 2200 square feet would be the approximant total.
    j. Water supply? Well water; no village water.
    k. Primary heating? Propane
    l. Would the copy change sign still be used? Probably not regularly.
    m. Will there be more use in water activity? Terry Debuck inspected the system.
    n. Employees? Regularly 2 to 4.
    o. Amount of property taxes paid? Not off hand

p. Sales tax revenue? NYS Tax and Finance Department has those numbers.
q. Is the parking delineated in any way? There are no lines on the ground.
r. The Comprehensive Plan suggests more landscaping on the Route 54 corridor. Any landscaping plans? We have talked about changing the front of the building and adding a grass area with more parking on side.
s. Would there be a problem to eliminate one drive? I have talked to the DOT about having them put something more out front along Route 54 than what exists.
t. Did the State say you could have and in and out drive? They did not say.
u. Lighting plans? To have lights on both sides of sign and in parking lot.
v. Any on premise smoking? No, we cannot supply a place for customers to smoke.

13. Findings:
    a. Sign permit application to change sign from Store 54 to Griminzos Roadhouse.
    b. Observations and visits by Board Members and CEO indicate change.
    c. Statements by Mr. Harness that were submitted to NYS Liquor Authority.
    d. Filing of DBA on 6/24/03
14. Mr. Magee made a motion to accept these findings. Seconded by Mrs. Fitzpatrick. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Robinson-aye, And Fitzpatrick-aye.
15. Mr. Duggan made a motion based upon the findings in this decision, that the change in use and intensity of Store 54 to Griminzos Roadhouse is significant enough to warrant a full site plan review under Section 88 of the Town Code. Seconded by Mr. Robinson. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Robinson-aye, Fitzpatrick-aye.
16. Applicant received Site Plan Review application and SEQR at meeting.

b. Subdivision:
    i. Zimmer Letter: Board held discussion and reviewed information from CEO, Oliver. Mr. Martuscello made a motion for the Chairman to sign the letter from Attorney Baker. Seconded by Mr. Duggan and all was in favor.

2. Old Business:

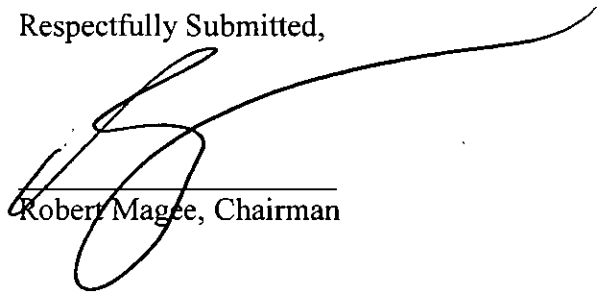
a. Long: The DOT has reviewed the application and was at the site on April 23, 2004. The Board will forward a letter to her attorney.

3. Minutes:
    a. Minutes were reviewed from April 20, 04. Mr. Magee made a motion to approve as amended. Seconded by Mr. Duggan and minutes were approved.

Mr. Magee made a motion to adjourn meeting. Seconded by Mrs. Fitzpatrick. All were in favor.

Meeting Adjourned 8:24PM

Respectfully Submitted,



Robert Magee, Chairman

2/01/02

Proposed Method of Operation
Store 54
6465 Route 54
Hammondsport, New York 14840

The above premises will be operated as a grocery store and take-out food establishment. There will be no entertainment, game machines or seating available.

The store will operate from 6:00a.m. until 11:00 p.m. Monday through Saturday; 9a.m. until 11:00 p.m. Sunday.

I will continue my present employment with part-time daily supervision of the licensed premises.

Sincerely,

Thomas A. Harnas

Thomas A. Harnas

RECEIVED FROM APPLICANT
DEC - 5 2002
SCANNED

Town of Urbana
Planning Board Minutes
April 20, 2004

Board Present:	Robert Magee	Chairman
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
	Dave Oliver	CEO
	Carly McConnell	Recording Secretary
Public Present:	Darwin & Marge Kaplin	
	Stephanie VanDelinder	

Public Hearing: Opened 7:00PM

Application #2003-079
Darwin Kaplin, 6894 Tuckahoe Road, Williamson, New York has applied for a minor subdivision of a 10 acre parcel into (2) 5 acre parcels located at 7711 Bean Station Road, Hammondsport.
Chairman Magee declared a quorum present. File contains:

1. Notification of publishing of Public Hearing in Corning Leader
2. Copies of letters to adjoining property owners
3. Certified copies of surveys (6)
4. Exhibits:
    a. A7 – Paid School & Town/County Taxes
    b. A5 – SEQR Short Form
    c. A6 – Copy of deed
    d. A10 & A8 – Copy of sketch map
    e. A1 – Completed application marked paid
    f. A11 – Applicants narrative
    g. A3 – List of adjoining property owners

Chairman administered oath and applicant responded affirmatively.
Board Questions/Concerns (with applicants responses were applicable):

1. Any deed restrictions? No
2. Did one of the parcels have a trailer on it that was in a fire? Yes, a year ago in February and the site have been cleaned up and trailer removed.

Public Questions/Concerns: None
CEO Report: Lists no problems

Public Hearing Closed 7:07PM

Special Meeting: Opened 7:08PM

1. Old Business:
    a. Kaplin Subdivision Application #2003-079.
        i. SEQR Short Form – completed
        ii. Mr. Duggan made a motion based on the information and analysis and any supporting documentation that the proposed action will not result in any significant adverse environmental impacts and provide on attachments as necessary, the reasons supporting this determination.

Seconded by Mrs. Fitzpatrick. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Fitzpatrick-aye.

iii. Findings:
   1. Application Complete
   2. Meets all State & local requirements
   3. No negative comment at Public Hearing
   4. No negative impact found during SEQR

Mrs. Fitzpatrick made a motion to approve findings. Seconded by Mr. Duggan. All was in favor.

iv. It is the determination of the Planning Board that the Minor Subdivision application of Darwin Kaplin meets the requirements of the subdivision law with sufficient compliance as to be granted status for consideration of approval or disapproval. I, Mr. Duggan make a motion to approve the Darwin Kaplin subdivision based upon the findings as submitted, and to instruct the Chairman to sign and stamp the survey. Seconded by Mr. Martuscello. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Fitzpatrick-aye.

v. Written notice of Subdivision approval was given to applicant at meeting.

b. The Board will meet with Tom Harnas and his attorney on April 26, 2004 at 7pm.

c. Long / Rhino Lining: Chairman, Magee informed the Board, that he received a call from a DOT Official, who upon reviewing Rhino Lining application apologized to the Board for all the problems and agreed with the Board's concerns. This Board was informed that the permit is still open and the DOT will require the applicant will need to bring the drive up to minor commercial standards.

2. New Business:
   a. CEO, Oliver: The Town Board approved new Planning Board procedures and they will start on April 21, 2004.
3. Minutes:
   a. Minutes were reviewed from February 10, 04. Mr. Magee made a motion to approve as amended. Seconded by Mrs. Fitzpatrick and minutes were approved.
   b. Minutes were reviewed from April 6, 04. Mr. Martuscello made a motion to approve as amended. Seconded by Mr. Duggan and minutes were approved.

Mr. Duggan made a motion to adjourn meeting. Seconded by Mr. Martuscello. All were in favor.

Meeting Adjourned 8:05PM

Respectfully Submitted,

Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
April 6, 2004

Board Members:	Robert Magee	Chairman
	Randy Robinson	Board Member
	Jim Duggan	Board Member
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
Public Present:	Darwin Kaplin	Phil & Lee Dickson
	Jim Grillo	Tony Merly
	Mark Cavalaro	Andy Sprague

Regular Meeting: Opened 7:03PM

1. Old Business:
    a. Subdivision:
        i. Darwin Kaplin Application #2003-079. Proposed project is to divide the 10 acres into 2 acre 5 acre lots. Location of project is 7666 Bean Station Rd., Hammondsport. Purpose is to sell one lot and retain the other. The proposed property line runs through the middle of a shed currently on the property. The applicant will move the shed. Board will request a public hearing on this project for April 20, at 7pm.
    b. Special Use Permit & Concept Review:
        i. Store 54: Application has been filled out for concept review; regarding the change of use in business. The Board will hold a special meeting with the applicant and his attorney. The Chairman will contact Attorney Flynn to have him arrange the meeting.
        ii. Locey: The Chairman spoke with Attorney Flynn, who advised the Board to have the applicant fill out another application for the amendment on the current Special Use Permit. Applicant is requesting additional display spots and no restrictions on the existing spots.
        iii. Hough: The applicant would like to eliminate some of his drives off Route 54 and put in a secondary road on his property to access locations on the property. The Board will meet with him at a future meeting.
        iv. Demay & Holly: No new submissions. The Chairman will look at the time element on both applications.
        v. Long: The Board discussed the application. The Town Clerk has received a letter from the applicant. Chairman, Magee will forward a copy of the letter to the Board Members. The Chairman received a phone call at home from a Town Board Member, who advised him of a dangerous situation at the location. The

Chairman drove to the location and witnessed a semi truck parked in the oncoming lane unloading a delivery of 55 gallon drums for Rhino Lining. Cars coming down the hill towards Hammondsport had to go into the lane of on coming traffic to get by the truck. Chairman, Magee took pictures and reviewed them with the Board. The Chairman called the DOT in Albany and spoke to a DOT representative, who oversees these types of matters. The Chairman explained situation to the DOT representative. The DOT representative said he would reopen the application and if they failed to meet the standards it would have to be brought up to code. He requested the Chairman send him any pertainant information and photos.

vi. Forester: No new submissions. The Chairman will contact CEO, Rethmel for an update on the file.

c. Site Plan Review:

i. Dickson Application #2003-085. The ZBA granted the variance conditioned upon the tunnel being approved by the Town of Urbana Highway Superintendent Dave Buckley. Applicant stated he has a meeting with Mr. Buckley on April 7, 2004. Board advised applicant to contact CEO, Rethmel regarding the need for an excavation permit. The applicant will need to fill out a Town highway work permit. Mr. Dickson needs to provide the Board with:

1. A profile drawing
2. Copies of all permits required
3. Final stamped plans

2. New Business:

a. Concept Review:

i. James Grillo Application #2004-006. Existing project is to replace existing attached garage and replace it with a larger attached garage. The new roof would over hang to cover the walkway to the main entrance. CEO, Rethmel supplied the Board with a report stating that the project meets all codes and no variance required. Chairman, Magee made a motion based upon CEO, Rethmel's report to waive any further review. Seconded by Paul Martuscello. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Robinson-aye, Fitzpatrick-aye.

ii. Mark Cavalaro Application #2004-005. Proposed project is to install 2 new septic tanks (the septic tanks have been approved) and to expand the existing 1 story cottage by adding a 1 ½ story addition. Proposed location is 395 W. Lake Road. A variance hearing is scheduled for April 22 for the extension of the existing deck. CEO, Rethmel report states a variance will also be required for lot coverage. The Board advised the applicant to contact CEO, Rethmel regarding lot coverage and the maximum height that the

building can be. The Board will not move any further on the application until after the ZBA meeting.

b. ZBA:
    i. Mark Cavalaro: The Board will defer to the ZBA's judgment and would ask them to consider any potential line of sight issues.
c. Planning Issues:
    i. The Board reviewed current policies and proposed new policies.

3. Minutes:
    a. The minutes from February 10, 04 will be reviewed further by the Board.
        a. Minutes were reviewed from March 2, 04. Bob made a motion to approve as amended. Seconded by Betty and minutes were approved.

Bob made a motion to adjourn meeting. Seconded by Jim. All were in favor.

Meeting Adjourned 9:40pm

Respectfully Submitted,

Robert Magee, Chairman

DATE SHOULD BE 2004 (?)

Town of Urbana
Planning Board Minutes
March 2, 2003

Board Member:	Bob Magee	Chairman
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
	Marvin Rethmel	CEO
	Carly McConnell	Recording Secretary
Public Present:	Roberta Sahrle	Ed Sahrle
	Philip Dickson	Georgia Lee Dickson

Regular Meeting: Opened 7:09PM

1. Old Business:
    a. Forester Application #2003-080: Applicant was present at the February 10, 2004 meeting. Board provided an update of that meeting. The Board had advised Mr. Forester on February 10, that his project required a Site Plan Review and that a variance for setbacks maybe required. The Board also advised him to get a variance application from the Town Clerk. To date he has not picked one up. The Board believes he is waiting for the court judgment. The New York Building Code defines what projects need a building permit. A set of steps requires a zoning permit.
        i. Mr. Sahrle stated that the New York State Law requires a 36" minimum tread step and two handrails. Mr. Sahrle is pleased with the way the Planning Board has been handling this issue. He also, stated the applicant is not intending on mooring a boat, but wants the steps to be able to get water to his house. Deed states the right away is for mooring a boat only. Mr. Sahrle asked the Board why they cannot make him remove these steps now? The Board replied by stating the applicant has submitted a concept review application.
2. New Business:
    a. Concept Review:
        i. Philip & Georgia Lee Dickson Application #2003-085. Proposed project is a new cottage at 474 East Lake Rd, Hammondsport. Applicant/owners are from 4831 County Route 25, Cameron Mills, NY. The applicants would be removing existing cottage on upper lake road and rebuilding a year round house. Applicants would like to continue the existing tunnel.
            1. Board Questions/Comments (with responses)
                a. What are the sides set back requirements? Mr. Dickson – A set back of 10' is required and we meet the side set backs.

b. Is a set back of 40' required for the front yard? Marvin – Yes, and applicant has 35' and has applied for a variance. The variance meeting is March 17.
c. Using existing septic? Mr. Dickson – No, using a new one that is getting engineered. It is located on the left side of the creek and not on the creek side.
d. Line of sight? Mr. Dickson – The Paddocks over look our property and the Wenderlich's is side by side.
e. Amount of excavation and soil to be disturbed? Mr. Dickson – Do not know that at this time and a topo map is being done this week.
f. At what point during construction would the tunnel be done and how long would it disrupt the road? Mr. Dickson – At the beginning and only disrupt the road for 1 day.
g. Engineer working on tunnel? Mr. Dickson – Yes, by Zeiser Vault and it will be precast and set.
h. Have you talked to the Town Highway Superintendent? Mr. Dickson – Not yet.
i. What is the distance for the edge of Route 54 to the retaining wall? Mr. Dickson – Do not know at this time.
j. How long is the retaining wall by the creek. Mr. Dickson - Do not know, because we do not know if we are going to need it.

Bob made a motion to move to full site plan review. Seconded by Betty. Roll Call Vote: Magee-aye, Martuscello-aye, Fitzpatrick-aye. The Board will wait until after the ZBA, before proceeding forward with this application.

3. ZBA
   a. Voght Application #2004-003: Betty made a motion to waive any further review, if approved by the ZBA and to give Chairman, Magee the authority to notify the Town Clerk that the Board will not require any further review. Seconded by Paul. Roll Call Vote: Magee-aye, Martuscello-aye, Fitzpatrick-aye.
   a. Dickson Application #2003-085. Bob made a motion to defer the judgment of the ZBA. Seconded by Paul. Roll Call Vote: Magee-aye, Martuscello, Fitzpatrick-aye.
4. Minutes:
   a. Minutes were reviewed from December 17, 03. Bob made a motion to approve as amended. Seconded by Betty and minutes were approved.
   b. Minutes were reviewed from January 6, 04. Bob made a motion to approve as submitted. Seconded by Betty and minutes were approved.
   c. Minutes were reviewed from February 18, 04. Bob made a motion to approve as submitted. Seconded by Betty and minutes were approved.

d. The Board has questions regarding the February 10 meeting and request the secretary to review notes in attempt to clarify the minutes.

5. Old Business Continued:
   a. Lance Locey – Board held discussion with CEO, Rethmel, who indicated that the Board should request a more specific narrative with an explanation of what is going to be placed in the display area as well as a detailed drawing to show the were the jet ski's will be located; from the applicant.
   b. Hubbard – The Town Board has had several complaints regarding the location and has been notified that the applicant is living at location (Town Code; does not allow residential in business district.) The Board and CEO, Rethmel will review applicants file and Special Use Permit Conditions. The Board will discuss the issue again at another meeting.
6. Updated from CEO, Rethmel Regarding Long:
   a. The Board discussed the progress of the Special Use Permit and Site Plan. CEO, Rethmel pointed out that the Board had requested applicant to supply the Board with a copy of the highway permit, conditions and requirements made by the DOT. The applicant hand delivered a copy of the permit at the February 10th meeting. The Chairman received a documentation of specific requirements by filling a Freedom of Information Act.
      i. Update from CEO, Rethmel:
         1. CEO, Rethmel placed a stop work order on the project on February 23, 04.
         2. February 25, 04 the applicant was still in business.
         3. February 27, 04 the stop work order was removed and applicant stated to CEO, Rethmel that she was advised by her attorney to remove the stop work order.
         4. CEO, Rethmel is working on an appearance ticket
         5. The Board has received a letter from attorney Plaskov, the applicant's attorney.

Bob made a motion to adjourn meeting. Seconded by Paul. All were in favor.

Meeting Adjourned 9:50pm

Respectfully Submitted,

Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
February 18, 2004

Board Members:	Bob Magee	Chairman
	Randy Robinson	Member
	Betty Fitzpatrick	Member
	Carly McConnell	Recording Secretary

Work Session: Opened 630PM

1. Concept Review:
    a. Shortino/Gram Application #2003-083: Betty made a motion to waive any further review, if approved by the ZBA and to give Chairman, Magee the authority to notify the Town Clerk that the Board will not require any further review. Seconded by Bob. Roll Call Vote: Magee-aye, Robinson-aye, Fitzpatrick-aye.
    b. Voght Application #2003-002. Randy made a motion to waive any further review, if approved by the ZBA and to give Chairman, Magee the authority to notify the Town Clerk that the Board will not require any further review. Seconded by Bob. Roll Call Vote: Magee-aye, Robinson-aye, Fitzpatrick-aye.
    c. Wenderlich/Iocco Application #2003-084: Randy made a motion to waive any further review, if approved by the ZBA and to give Chairman, Magee the authority to notify the Town Clerk that the Board will not require any further review. Seconded by Bob. Roll Call Vote: Magee-aye, Robinson-aye, Fitzpatrick-aye.
    d. Patricia Meyers Application #2003-82: Randy made a motion to waive any further review, if approved by the ZBA and to give Chairman, Magee the authority to notify the Town Clerk that the Board will not require any further review. Seconded by Bob. Roll Call Vote: Magee-aye, Robinson-aye, Fitzpatrick-aye.
    e. Hill Application #2003-081: Randy made a motion to waive any further review, if approved by the ZBA and to give Chairman, Magee the authority to notify the Town Clerk that the Board will not require any further review. Seconded by Bob. Roll Call Vote: Magee-aye, Robinson-aye, Fitzpatrick-aye.
2. Old Business:
    a. Long Application #2003-029: Board discussed applicant's request for change of sign. Board received note from CEO, Rethmel regarding the sign change and will request clarification from him. Applicant originally indicated the sign would be 2'x6' (request for change indicates a change to a 2'x6' sign). If this is the case no amendment is necessary. If applicant

does in fact wish to amend the signage portion of the Site Plan; the Board will need to request in writing and include a scale drawing of the proposed sign.

Betty made a motion to adjourn the work session. Seconded by Bob and all was in favor.

Meeting Adjourned 815PM

Respectfully Submitted,

Robert Magee, Chairman

approved

Town of Urbana
Planning Board Minutes
February 10, 2004

Board Members:	Bob Magee	Chairman
	Randy Robinson	Board Member
	Betty Fitzpatrick	Board Member
	Paul Martuscello	Board Member
	Dave Oliver	CEO
	Bryan Flynn	Attorney
Public Present:	Kasi Long	Dave Iocco
	Thomas Forster	Julie Dugo
	Marci Coon	Charlie Egresi

Regular Meeting: Opened 711PM

1. Old Business:
    a. Subdivisions:
        i. Doddato & Angelone: Board will notify applicants that their application has expired.
        ii. Kaplin: No new submissions.
    b. Special Use Permit:
        i. Store 54: Applicant received sign permit application and zoning permit application and have 30 days to complete. Applicant has not turned in a concept review application.
        ii. Hough: No new information. Board received F.O.I.L for files.
    c. Concept/Site Plan Review:
        i. LaPierre: Board will send letter, advising applicant that he should apply for an extension.
        ii. Demay: No new submissions.
        iii. Holly: Bob was in contact with applicant and referred him to CEO, Oliver. CEO, Oliver advised him to mark center and width of driveway and to mark any trees with tape that will need to be removed.
        iv. Meyers: New sketch map to include the entire parcel has been received.
        v. Hill: Turned in updated submissions.
        vi. Long:
            1. Board received a letter from DOT, Michael Griffin and read it into the minutes.
            2. Board explained the DOT Manual, regarding policies. It defines a home business driveway as one that serves a residential business. The manual has specific outlines regarding minor and major commercial drives.

3. The Board views a problem when a vehicle is coming down Route 54 (from Bath) and car is in the driveway. The car pulling in cannot make the turn into the drive and stay in it's own lane on the driveway. Chairman, Magee tried to enter the drive from coming down Route 54 and could not make the turn by staying in own lane.
4. The Board reviewed the following Policies and Standards from the DOT Manual.
    a. Section 4.2.1: Driveway design should prevent the need for undue deceleration in a travel lane and preclude turning vehicle encroachment on adjacent highway travel lanes by the largest vehicle expected to routinely use the driveway.
    b. Section 4.2.2: Two-way driveways should be as near perpendicular to the highway as possible. Acute angle turns require significant reductions in travel speed and pose difficulties for trucks.
    c. Section 5.3: Other angles and widths may be selected for particular location if an engineering determination indicated they would be more suitable. Corner angles less than 60 and more than 120 degrees shall not be permitted.
5. Keuka Watersports, Lynn Hough, Kwik Fill, Celito Lindo, Harvest Baptist and Keuka Medical Commons all had to apply to DOT and meet DOT standards. Pending project is Holly and is for a residential drive. DOT gave him more than minimum requirements for residential.
6. Chairman, Magee took slides of the UPS truck entering the drive and indicated that one vehicle cannot enter while another is leaving.
7. Board Comments:
    a. Bob has contacted Mr. Griffin to have him clarify a home business; but has not heard back. Bob reminded the applicant that the Planning Board has final review regarding this applicant.
    b. Paul stated that based upon a letter the Board her received he agrees with Mrs. Long and feels that the Board has not held Mrs. Long to the same standards as we have for other projects like Keuka Watersports and Kwik Fill. Also, that if the speed is 55mph and someone is speeding that it should not be Mrs. Long's problem. Paul also feels that there is a shoulder and people can pull off onto it, before turning into the Long's. Paul also stated that he could see how this drive is a little more hazardous than others on Route 54. Paul indicated he had not

been present at some of the meetings and did not realize the history of this matter.

c. Randy would like the Board to consider all evidence and not just one person's judgement. Randy asked the Board how could the applicant meet the standards, when the original application does not indicate residential or commercial drive.
d. Flynn stated he did not think the Board could Article 78 the DOT. Also, that if there were an accident the DOT and Town Planning Board would be held responsible.
e. Betty stated that she agrees with Randy and feels the Board needs to define the Town Standards of a Home Business.
f. CEO, Oliver stated that he had spoke with Mr. Long and was told by Mr. Long that he had no intention to go across the creek with driveway. CEO, Oliver had suggested to the applicants in the past to enter in at the ARC drive.

8. Kasi Long Comments:
    a. Applicant stated she had discussed everything with the DOT and was told to do a miscellaneous permit.
    b. Kasi feels that it is a different situation than Kwik Fill and feels Lance Locey should have had more conditions.
    c. Kasi stated that they have had 2 trucks in and out in the driveway at the same time before.
    d. She feels that to modify the driveway that would cost approximately another $8000 worth of excavation.
    e. Applicant stated that she feels that she has went and done everything she was told to do.
    f. Kasi said she never applied for a residential drive and explained her property to Mr. McNamara and told him that in the future they would run the drive to her house.
    g. Only had to go with DOT and followed them
    h. At this point has final DOT approval and have done everything she has had to do and cannot do anymore.
    i. Applicant stated her contractor worked with the DOT.
    j. Kasi also stated that not every drive can be build at 90 degrees and has the right to access her own property.

k. She feels that if the UPS driver is way over to the left, that it is not her fault and can not make people stay to the right.
l. Applicant feels that the situation can be helped with better signage by the road and that may cut down on safety concerns and would consider that.
m. Applicant believes that the drive is considered residential and stated that she has complained for years about the Woofs Den Kennel and did not want to keep driving by it.
n. Applicant stated that she is ready to open and have invested a lot of money.
o. Applicant stated that she needs to know what she has to do now.
p. Kasi said she has provided letters of correspondences between herself and DOT.
q. Kasi feels DOT has final approval.

9. Applicant provided a copy of her DOT Permit.
10. Bob will meet with Flynn to arrange a meeting with the DOT and will ask Flynn if can work a middle ground to see if applicant can assume business before this issue resolved.

2. New Business:
   a. Special Use Permit:
      i. Lance Locey: Applicant would like to modify site plan. Board will review at later meeting.
   b. Concept Review:
      i. Shortino/Graham: CEO, Rethmel indicated this application should be waived of any further review. Board will notify CEO, Rethmel to have Applicant at next meeting.
      ii. Wenderlich/Iocco: Variance for set back requirements. Variance meeting is on Feb 18. Septic has been approved. Final house drawings should be completed by the end of the week and will forward to Terry. The leach field is located above road between Route 54 and lower Lake Road. The file contains a letter giving Mr. Iocco permission to act on behalf of the applicant. Board will review again after February 18, ZBA meeting and applicant provide additional submissions.
      iii. Voght Application #2004-002. Project is to build a 2-car garage with storage connected to the house on lower East Lake Road. Set back requirements are meet. A variance is required to dig into the hill. Variance meeting will be on February 18 and Board will review application after ZBA meeting.
      iv. Forester Application #2003-080. Applicant is building a set up steps in his deeded right away to access the lake. Applicant had McConnell & Muller mark out the right away. Applicant stated he spoke with Terry Debuck, who told him that he needed no

application and/or conditions. Currently in litigation with property owners. The stairs are 90% completed. Judge Bradstreet and CEO, Rethmel have issued a stop work order. Property location is 85 ½ W. Lake Road. Board advised applicant to contact Rethmel and have him put in writing any setback requirements for the project. Board stated that anyone could request a site plan review on any project. Board does not think they can make a decision until a judgement in court.

3. ZBA Opinion:
    a. Iocco: Defer to the judgement of ZBA
    b. Hill: Defer to the judgement of ZBA
    c. Meyers: Split decision in regards to the code.

Randy made a motion adjourn the meeting. Seconded by Paul

Meeting Adjourned 10:40PM

Respectfully Submitted,

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Robert Magee, Chairman

Town of Urbana
Planning Board Minutes
January 6, 2004

Board Members:	Bob Magee	Chairman
	Randy Robinson	Board Member
	Betty Fitzpatrick	Board Member
	Jim Duggan	Board Member
	Paul Martuscello	Board Member
	Dave Oliver	CEO
	Carly McConnell	Recording Secretary
Public Present:	Ed Sahrle	Roberta Sahrle
	Pete Nye	Rene Schrier
	Patricia Meyers	David Pearce
	David Iocco	Kasi Long
	Dick Leonberg	

Regular Meeting: Opened 710PM

1. Old Business:
    a. Subdivision:
        i. Doddato & Angelone: Will notify applicants that time limit on applications have expired.
        ii. Kaplin: No new submissions
    b. Special Use Permit:
        i. Store 54 & Hough: No new information
    c. Concept Review:
        i. Herman LaPierre: Has one year to start building.
        ii. Demay & Holly: No new submissions and notice of Site Plan requirements were sent out to both applicants.
        iii. Long: Kasi Long dropped off a letter they had received from the DOT. On Jan 5, Bob spoke with William MacNamara and also sent a letter to him regarding this project. The Board held a discussion.
    d. Planning Issues:
        i. Comp. Plan: The Board was provided with a CD containing the Comp. Plan. The Town Board is expected to approve the Comp. Plan at the next meeting.
        ii. Sign Law: The Town Board plans on passing a sign law. Board received a draft copy to review. Bob asked that the Board review and respond back to him within 7 days.
        iii. Amend Site Plan Law: The Town Board will allow us to amend. Board held discussion.
    e. Additional Non-Completed Applications:

i. Peter Jenks: Dave Oliver has asked him to put in writing the status of his application.
ii. Octagon House: Bob will look into it.

2. New Business:
   a. Special Use Permit:
      i. Lance Locey: Board will notify him of the process he needs to follow to modify the plan.
   b. Concept Review:
      i. Forester: The Clerk received a fax; indicating that the applicant Mr. Forester was unable to attend this meeting, but would like to be notified of the next one. Board will contact CEO, to remind Mr. Forester that a stop work has been issued on this project. Board will notify applicant of the next meeting.
      ii. Dave Pearce & Hill Application #2003-081. Applicant is David Pearce of 8631 G.H. Taylor Mem. Dr., Hammondsport. Property owners are Brent & Joyce Hill of 3615 Woodholme Dr., Jarrettsville, MD. File contains letter from the Hills giving Mr. Pearce the authority to act on their behalf. Proposed project is a 1-family residence at 281 W. Lake Rd., Hammondsport. Existing use is residence. The house will be set 15' from the lake with an open deck and screened porch. Part of the porch will be located less than 15' from the lake frontage (a variance for this would be required). Trailer currently on property and will be removed. Driveway existing and will not be changed.
         1. Board Questions/Concerns:
            a. Line of site for neighbors? Pearce – The closest neighbor is brother (Ron O'brien).
            b. Applicant needs to look into.
               i. Variance
               ii. Septic Permit. Pearce – We have gotten ok with State and applicant needs to submit final payment with Quick in Penn Yan.
            c. Demo Permit to remove trailer. Pearce – Submitted application with Terry Debuck.

         Jim made a motion to conduct a Site Plan Review, based upon the information supplied. Seconded by Paul. Roll Call: Magee-aye, Duggan-aye, Martuscello-aye, Robinson-aye; Fitzpatrick-aye.
      iii. Meyers Application #2003-082. Applicant owner is Fred and Patricia Meyers of Po Box 67, Wayne. Proposed project is removing existing trailer and replacing it with an updated one. Existing use and proposed use is residential. A letter was received from Pat Meyers giving Ray Kolo the authority to represent her in this matter. The old trailer has already been removed. A 1-bedroom trailer is to be put in its place. An old farmhouse is still on the property. There is approximately 150' between the two structures. A stop work order has been issued on this project in

December. The Town received a complaint from an individual regarding this project and no building permit.

1. Board Questions/Concerns
    a. New basement? Kolo – No, just replacing a wall that had to be removed to get the old trailer out.
    b. Disposal of old trailer? Guy (son of applicant) – dismantled it and parting it out.
    c. Does the new trailer have a peaked roof? Guy – Yes.
    d. Is the drywell under the roadway? Kolo – Tank on roadside of trailer, but not under the road. Board – will send a letter to Dave Buckley, regarding this matter. Existing system can be used if in operating condition.
    e. Variance maybe required. Board advised applicant to contact CEO, Rethmel. Town Code Section 105-36 B1 prohibits new mobile homes on lake front lots.

Randy made a motion to move to Site Plan Review based upon the information provided. Seconded by Jim. Roll Call Vote: Magee-aye, Duggan-aye, Martuscello-aye, Robinson-aye, Fitzpatrick-aye.

c. Other:
    i. Attendance & Pay: Board members will now be paid for meetings and will need to fill out vouchers. If a Board member is unable to attend a meeting, they are to let the Town Clerk know 5 days in advance.
    ii. Concept Review Policy: Law states everything is subject to concept review.
    iii. Work Sessions: Board will establish on an as need basis. No new applications at work sessions. Work sessions will be for specific projects to work on existing business.

Betty made a motion adjourn the meeting. Seconded by Bob.

Meeting Adjourned 915PM

Respectfully Submitted,

Robert Magee, Chairman