

Zoning Board



1990



TOWN OF URBANA ZONING BOARD OF APPEALS

PUBLIC HEARING

December 17, 1990

Present: Joseph Littleton - Chairman
James Bailey - Member
Robert Cornell - Member
William E. Doherty - Member
Robert Domras - Member
Brian C. Flynn - Attorney
Carol G. Jenkins - Recording Secretary
Frank Bourke, Phd - Applicant
William Venema - Chairman Planning Board
Arthur Chapman - Code Enforcement Officer

The Public Hearing in the matter of a Special Use Permit for the purpose of a Private Proprietary Adult Home, was called to order at 7:00 P.M.E.S.T. The Chairman declared a quorum present. It was ordered that the Notice of Public Hearing be filed with the record of this meeting.

As there were no public comments or objections, the Board used the time to question Dr. Bourke. There were questions posed regarding sewage treatment, emergency access to structures, traffic control, availability of utilities and environmental considerations. Dr. Bourke indicated some preliminary plans and told the Board there is a parallel project in Corning - Green Meadows - that is quite successful.

The Public Hearing was adjourned at 8:10 P.M.E.S.T. on motion of R. Domras, seconded by R. Cornell and carried.

The regular meeting was called to order by Chairman Littleton at 8:11 P.M.E.S.T. and the Chairman declared a quorum present.

The minutes of the September 27th 1990 meeting were approved as submitted on motion of J. Bailey, seconded by R. Cornell. All voting aye.

As there was no old business, the Board addressed the application of Dr. Bourke for a Special Use Permit for the purpose of a Private Proprietary Adult Home according to Section 8.5 of Local Law I for the year 1988.

THE FOLLOWING FINDINGS WERE MADE:

1. The property has previously been approved as a Minor Subdivision by the Town of Urbana Planning Board.
2. No objections were raised at the Public Hearing and no objections were received from the Planning Board or the public at large.

3. Under questioning, Dr. Bourke described tentative and preliminary plans which, if fulfilled, would support the granting of a Special Use Permit and this would satisfy the criteria set forth in Section 8.5 of the Zoning Law. Dr. Bourke shall furnish a complete set of his Final Plans to the Board for its review and approval, prior to commencing. These shall be required to satisfactorily address the following particulars:

- a. emergency access and egress
- b. location of auxiliary structures
- c. availability of utilities and services
- d. traffic control
- e. environmental considerations
- f. compliance with Federal, State, County and Town laws and regulations and codes

4. Dr. Bourke has supplied a "Full Environmental Assessment Form". It does not appear to the Board that there will be any immediate significant impact occasioned by this project. The Board filed a completed negative declaration.

DECISION:

The application of Dr. F. J. Bourke for a Special Use Permit is approved subject to the following conditions:

1. No construction will be commenced until the Zoning Board of Appeals has received and given its approval to the Final Plans for:
 - a. Roadways, drainage and parking, which will allow egress and ingress of emergency equipment.
 - b. Location of all auxiliary structures including, but not limited to, sewage disposal, refuse disposal, utility structures and signs.
 - c. Written assurances from providers as to the adequacy and availability of water and other utilities shall be filed with the Zoning Board of Appeals.
2. All Federal, State, County and Town laws and regulations including, but not limited to, environmental considerations, traffic control, fire codes, building codes and health standards shall be met with full compliance.
3. Consideration of "rush hour" traffic problems exacerbated by local industry and any other traffic generating activity of the proposed construction must be given when work schedules are being established by the applicant.

VOTE CALLED FOR: On motion of J. Bailey, seconded by R. Cornell, and approved, it was RESOLVED to approve the Special Use Permit for Dr. Bourke and adoption of the Findings.

ROLL CALL VOTE:

J. Bailey	Aye
R. Cornell	Aye
W. Doherty	Aye
R. Domras	Aye
J. Littleton	Aye

Motion to adjourn at 9:20 P.M.E.S.T. by R. Cornell, seconded by J. Bailey and carried.

MINUTES APPROVED:

By 
Joseph Littleton

TOWN OF URBANA ZONING BOARD OF APPEALS MEETING
September 27, 1990

PRESENT: Joseph Littleton - Chairman
James Bailey - Member
Robert Cornell - Member
William E. Doherty - Member
Roberta Sparling - Recording Secretary

ABSENT: Robert Domras - Member

PUBLIC PRESENT: Mr. Raymond Keefer
Mr. and Mrs. Francis Holmes

The meeting was called to order by Chairman Littleton at 7:00 P.M.E.D.T. and the Chairman declared a quorum present.

Under "Old Business" the Board discussed with Mr. Keefer their concern about the future plans he had for his lake property. Mr. Keefer assured the Board that there would be no further requests for expansion or enclosures.

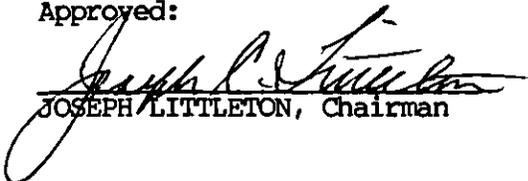
After much discussion James Bailey made a motion to approve Mr. Keefer's Variance and the Findings. This was seconded by Mr. Doherty. Vote was called for and all members present voted "Aye".

Mr. and Mrs. Holmes personally presented to the Board a copy of the Permit which they had received from Department of Transportation stating that they had to widen the driveway to 20 feet at the roadway. Chairman Littleton told the Board that he had discussed the matter with Engineer Freeland of DOT. Although he would issue the Permit, he would not furnish anything in writing confirming Chairman Littleton's discussion with him.

After much discussion James Bailey made a motion to approve Mr. Holmes application provided that he fulfills the requirement of the widening of the driveway as required by the Permit from DOT and by the Findings and Mr. Cornell seconded this Motion. Vote was called for and all members present voted "Aye".

Meeting was adjourned at 8:00 P.M.E.D.T.

Approved:


JOSEPH LITTLETON, Chairman

TOWN OF URBANA ZONING BOARD OF APPEALS MEETING
August 23, 1990

PUBLIC HEARINGS: Raymond and Mary Keefer - Variance
Francis Holmes - Special Use Permit
Sharon Sayers - Variance
Robert Stopka - Variance

PRESENT: Joseph Littleton - Chairman
Robert Domras - Member
William E. Doherty - Member
James Bailey - Member
Arthur Chapman - Code Enforcement Officer
Roberta Sparling - Recording Secretary

ABSENT: Robert Cornell - Member

OTHERS PRESENT: Raymond Keefer, Applicant
Mr. and Mrs. Francis Holmes, Applicant
Mr. Jack McCloud
Sharon Sayers, Applicant
Robert Stopka, Applicant

The meeting was called to order by Chairman Littleton at 7:02 P.M.E.D.T. and the chairman declared a quorum present.

FIRST PUBLIC HEARING: RAYMOND and MARY KEEFER - Variance. This Public Hearing was Opened at 7:06 P.M.E.D.T.

Mr. Keefer was present and requested a Variance to put a roof over an existing deck. He presented to the Board a note from Joe and Elaine Roche stating that they had no objections to such project. This note was entered into the minutes and then filed.

No one present stated any objections to this matter and there was no communication from the Planning Board regarding this matter.

Member Domras asked Mr. Keefer why he felt that this Board should grant the Variance and Mr. Keefer replied "much more comfortable to have a screened in porch and that his cottage was very small and this would afford more room for him".

There being no further comments, this Public Hearing was closed at 7:20 P.M.E.D.T.

SECOND PUBLIC HEARING: FRANCIS HOLMES - SPECIAL USE PERMIT. This Public Hearing was opened at 7:21 P.M.E.D.T.

Mr. Holmes was present and stated that he would like to have a Bait Tackle Shop in his garage. He further stated that he would be widening a part up by the Garage for vehicles to turn around so that they did not have to back out into the highway but the entrance would stay the same width as it is now. He further stated that he would be requesting a sign to be put up that would conform to the size permitted by the Zoning Law.

Mr. Holmes was asked if he had contacted NYSDOT or Sheriff's Department to see if they had any objections or concerns regarding the safety of the traffic on this particular part of the highway. He stated "No". Mr. Jack McCloud was present and asked if this Bait Shop, if granted, would change the property value of the people next door and the Board stated they did not believe it would change any values.

Chairman Littleton read the Urbana Town Planning Board Comments on this application and they were made a part of the file. The Planning Board objects to the granting of such Variance.

There being no further comments, this Public Hearing was closed at 7:37 P.M.E.D.T.

THIRD PUBLIC HEARING: SHARON SAYERS - VARIANCE. This Public Hearing was opened at 7:39 P.M.

Sharon Sayers was present and she desires to build a deck along the front of her cottage with steps inset. All of the neighbors have porches and hers would not protrude any further than the neighbors. This cottage is the same one Penny Williams had. The Planning Board took a position on the Williams application and its remarks were filed on March 13, 1989.

Ms. Sayers stated that she had asked the neighbors if they had any objections to her putting this porch on and she stated that they had none.

There were no public comments regarding this application and there were no comments from the Planning Board.

There being no further comments, this Public Hearing was closed at 7:48 P.M.E.D.T.

FOURTH PUBLIC HEARING - ROBERT STOPKA - VARIANCE. This Public Hearing was opened at 7:49 P.M.E.D.T.

Mr. Stopka stated that he previously had a older trailer on this lot and that he had bought a newer model and a bigger one so that he could have more room in which to live and to live in a nicer place. He further stated that this newer mobile home is in much better condition than the old one that he previously had there and further that he had no knowledge of the fact that he needed to have a pitched roof on the new one. Mr. Stopka asked the Board why he needed the Pitched Roof and the Code Enforcement Officer answered that question. Mr. Stopka has spoken with neighbors and they all stated that they had no problem with this mobile home being there.

Mr. Stopka's brother was there and stated that he felt that the weight of a pitched roof on said new mobile home might possibly cause some structural pressure and possible collapse. The Board said that it could be a free standing pitched roof and therefore not put any weight directly on the mobile home. That they would have to check with a carpenter or contractor as how to do this.

Chairman Littleton read the Urbana Town Planning Board's comments on this application and they were made a part of the file.

There being no further comments, this Public Hearing was closed at 8:06 P.M.E.D.T.

The regular meeting of the Urbana Zoning Board of Appeals was opened by Chairman Littleton at 8:10 P.M.E.D.T.

A motion was made by James Bailey to approve the minutes of the March 1, 1990 meeting and this was seconded by Robert Domras. Vote taken and all were in favor of the approval.

Under "Old Business" there was discussion regarding the Holzchuck trailer at the top of the hill. The last the board knew Attorney Flynn was investigating this matter and Robert Domras made motion to have this matter tabled until next meeting so that Attorney Flynn could be present and give them his investigation report, this was seconded by James Bailey.

A discussion was held regarding the Keefer variance. It sounded like Mr. Keefer wanted to enclose this deck once he had the roof on and would later on be back again for this enclosure. Should this be addressed together with the present roof application? It was decided that could only address the roof application at this time and if Mr. Keefer wanted to enclose the deck he would have to apply again.

The Board made some Findings. A motion was made by Robert Domras and Seconded by Mr. Doherty to get the advice of Counsel on the findings before rendering a Final Decision.

A lengthy discussion was held regarding the Stopka Variance. After much deliberation the Variance was approved subject to the condition that the Mobile Home will be brought into compliance by August 23, 1995.

Vote Called For: B. Domras - Aye
W. Doherty - Aye
J. Bailey - Aye
J. Littleton - Aye

Next matter was the Holmes Special Use Permit. Mrs. Holmes had returned to the meeting and the Board asked her to contact the NYSDOT and get a written opinion on widening driveway entrance and its opinion on traffic flow and safety features. Motion made by J. Bailey and Seconded by Bob Domras to hold the findings on this matter until receipt of the written opinions from NYSDOT.

Vote Called for: B. Domras - Aye
W. Doherty - Aye
J. Bailey - Aye
J. Littleton - Aye

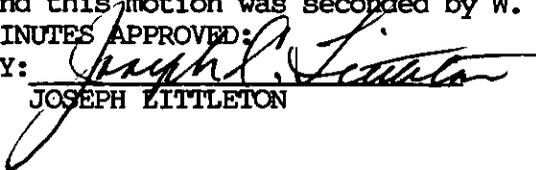
Sayers matter was discussed and a Motion was made by J. Bailey and Seconded by R. Domras to approve her application for a Variance.

Vote Called for: J. Bailey - Aye
W. Doherty - Aye
B. Domras - Aye
J. Littleton - Aye

Robert Domras made a motion to adjourn the meeting at 10:15 P.M.E.D.T. and this motion was seconded by W. Doherty. All members voted aye.

MINUTES APPROVED:

BY:


JOSEPH LITTLETON

MARCH 1, 1990 - TOWN OF URBANA ZONING BOARD OF APPEALS MEETING

- PUBLIC HEARINGS: I. Robert & Edna Dorsey - Variance pursuant to Section 4.1 of Local Law 1 for the year 1988.
II. John & Sally Strzepek - Special Use Permit pursuant to Section 4.1.1.3 of Local Law 1 for year 1988.

PRESENT: Joseph Littleton - Chairman
Robert Cornell - Member
James Bailey - Member
Brian C. Flynn, Attorney
Roberta L. Sparling - Recording Secretary

ABSENT: Robert Domras - Member
William E. Doherty - Member

GUESTS: Mr. Robert Dorsey - Applicant
Mr. and Mrs. John Strzepek - Applicants
Peter Baker - Attorney for Mr. Dorsey

The Public Hearings were called to order at 7:22 P.M. by Chairman Littleton and the Chairman declared a Quorum present.

FIRST PUBLIC HEARING: Robert & Edna Dorsey - Variance pursuant to Section 4.1 of Local Law 1 for the year 1988.

Each member received a letter from Attorney Robert Plaskov which showed that the Dorsey property was involved in a Boundary Line Matter with one of the neighbors.

Attorney Baker introduced himself and Mr. Dorsey and proceed to state that Mr. Dorsey had purchased the property about 9 years ago from Harold and Ruth Moss and that he built the deck before getting formal approval, but that he had tried to get approval and was misled. Mr. Dorsey, thereafter, has tried to comply with the Local Law. Mr. Dorsey's boat would not fit into the slip that was there so he decked over it so that no would fall into the slip. He replaced the existing structure and it is less extensive than the previous one.

Attorney Baker then introduced four (4) pictures which were labeled Exhibits "A"; "B"; "C" and "D".

Exhibit "A" showed the property as it was when it was purchased in 1981, with the boat lift and lift and boat. The lift was attached to both sides of the slip.

Exhibit "B" showed the original cottage some period of days before remodeling started in May, 1987. It showed that the existing deck covered the entire portion of the boat slip from the sea wall straight back to the property.

Exhibit "C" taken in July, 1987, showed the majority of the remodeling construction was finished, and it showed where the roof was taken off and the deck covered a portion of the boat slip.

Exhibit "D" showed the existing deck in 1987 and the concrete wall which divided the Hooley property from the edge of Mr. Dorsey's property beyond where it is now. The deck was attached to hardware used in the boat slip to secure the boards.

Exhibits "A", "B", "C" and "D" were offered into the record and were received by Chairman Littleton.

Attorney Baker and Mr. Dorsey further stated that looking at Exhibits "B" and "C", they depicted an overhead porch coming off the cottage and steps at the back of the property, the existing wall of the new addition to the point which is 10'x30'. This is the upstairs porch extending towards the Lake.

Attorney Baker and Mr. Dorsey further stated that, looking at Exhibit "D" with the 1987 construction, shows a side view of the new construction of the 10' porch or deck with roof over it. Mr. Dorsey removed sections of porch in Exhibit "D" in May, 1989, and planked it as the entry to the deck.

On ground level it is all pre-existing repair and replacement.

Mr. Dorsey is asking for a variance only for the raised decking because the ground level deck was pre-existing.

Mr. Dorsey further stated that all of this new construction makes the structure safer for ingress and egress and that the new decking on the side towards Hammond-sport, does not go beyond the limits occupied by the previous owner.

Chairman Littleton stated that, in the absence of any other documentation, the high water mark is the sea wall.

There was no objection received from the Planning Board.

There were no members of the public present to make any comments of any sort.

Mr. Dorsey was informed that the Board would meet within sixty (60) days, make its Findings and reach a decision and thereafter notify him of its Decision.

This Public hearing was closed at 8:17 P.M.

SECOND PUBLIC HEARING: John & Sally Strzepek - Special Use Permit pursuant to Section 4.1.1.3 of Local Law 1 for the year 1988.

Applicant Strzepek requested Attorney Baker to sit in with him as his Counsel. Mr. Strzepek's previous application had been denied on the basis that there were several unanswered questions and that these were addressed in a letter from Mr. Strzepek to the Board.

Mr. Strzepek stated that Dr. Jenkins and an Associate had visited his place of business, inspected the current 18 cages, and found that they were very adequate. They also checked the other side of the barn where he wishes to put the new cages. Dr. Jenkins informed him that so long as they complied with the other side, they would probably meet with State approval. However, they would have to be built first before they could be inspected and approved. Mr. Strzepek further stated that it is not mandatory to have an exercise area for the dogs for the dogs and, once he has full ventilation system in place, he will not need to keep the door open.

Attorney Flynn asked Mr. Strzepek if he sold Dogs. Mr. Strzepek stated "No", that he only boarded dogs".

Attorney Flynn stated that he has received some information from Mr. Edward Rowley, Counsel to Dept. of Agriculture and Markets, that as the Dog Control Officer, he was prevented from selling dogs, but that the Dog Control Officer could lease kennels to the Town.

Mr. Strzepek stated that the dug well is used to wash cages, fill fish tanks but that they carried potable water for the dogs to drink; that he will be drilling a well in the near future.

Mr. Strzepek stated that the reason he wanted to do this was to save the Town's money as the Bath Shelter has raised their prices. As to the disposition of Dead animals he has arranged with the Bath Vet Clinic to take and dispose of the dogs and they will hold them in their freezer in the barn until appropriate time to dispose of them.

Chairman Littleton asked Mr. Strzepek if he had considered the possibility of the Bath Shelter finding homes for the dogs that have been held the required length of time. Mr. Strzepek stated he had not asked them and that it would be up to the Town as to what they wanted him to do with the dogs. He did state that he would be amenable for suggestions from the Town as to what he should do with the dogs.

There were no members of the public present to make any comments.

This public hearing was closed at 8:45 P.M..

The regular meeting of the Zoning Board of Appeals was called to Order at 8:47 P.M. by Chairman Littleton.

First on the Agenda was the Strzepeks' request for a Special Use Permit pursuant to Section 4.1.1.3 of Local Law 1 of the year 1988.

The Following Findings were made:

1. That Mr. Strzepek, by letter dated 2/1/90 has supplied all the additional plans and commitments in writing, thus assuring compatibility with Section 8.5.3 of Local Law 1 for the year 1988.
2. That the permit requested is only for boarding dogs seized and held under his authority as Dog Control Officer and not for the sale or any on-premises destruction of dogs.
3. That Mr. Strzepek will be subject to a ^{New York} State Inspection which will give this Board assurances that the provisions of the applicable Law have been met.

VOTE CALLED FOR: Robert Cornell - Aye
James Bailey - Aye
Joseph Littleton - Aye

DECISION: The applicants are entitled to the Special Use Permit for which they applied.

Second on the Agenda, was the Dorsey Request for a Variance pursuant to Section 4.1 of Local Law 1 for the Year 1988.

The following Findings were made:

1. The variance requested relates to a deck already in place; constructed out of compliance due to misinformation received by the applicant from unqualified informants.
2. No objection has been received from the Planning Board.
3. Attorney Robert V. Plaskov on behalf of Ms. Francis Viviano by letter dated March 1, 1990, asserts the deck is connected partly on the property of his client, but the establishment of the boundary line is not the responsibility of this Board.
4. The ground level decking pre-existed Local Law 1 for the year 1988. No variance is required for repairs made in 1989 to this structure.
5. The new construction falls within the vertical boundaries of the pre-existing construction and thus requires no variance.

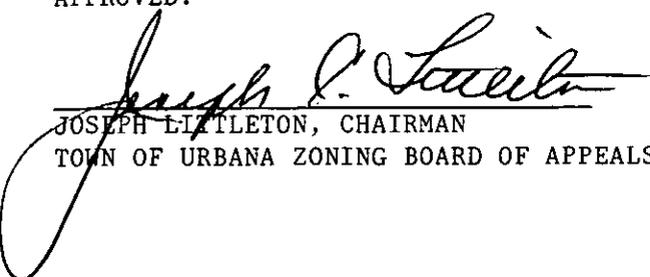
VOTE CALLED FOR: Robert Cornell - Aye
James Bailey - Aye
Joseph Littleton - Aye

DECISION: The Applicants request for a Variance is thus rendered moot.

Minutes of the last meeting were approved. All members present voted Aye. The Town Clerk will be asked to supply each Board Member with copies of public notices of hearings and the names of neighbors and that the original file be on the ZBA table with all legal notices copies in the correct files immediately prior to any scheduled Public Hearings.

Meeting was adjourned at 9:30 P.M.

APPROVED:


JOSEPH LITTLETON, CHAIRMAN
TOWN OF URBANA ZONING BOARD OF APPEALS

JANUARY 25, 1990, TOWN OF URBANA ZONING BOARD OF APPEALS MEETING

- PUBLIC HEARINGS:
- I. Keith & Lori Bilodeau - Variance pursuant to Section 4.2.2 of Local Law 1 of the year 1988.
 - II. Wallace & Roberta Baker - Variance pursuant to Section 8.4.2 of Local Law 1 of the year 1988.
 - III. John & Sally Strzepek - Special Use Permit pursuant to Section 4.1.1.3 of Local Law 1 of the year 1988.
 - IV. John & Sally Strzepek - Special Use Permit pursuant to Section 4.1.1.3 of Local Law 1 of the year 1988.

PRESENT: Joseph Littleton - Chairman
Robert Cornell, Member
Robert Domras, Member
William E. Doherty, Member
Brian C. Flynn, Attorney
Roberta L. Sparling - Recording Secretary

ABSENT: James Bailey - Member

GUESTS: Bill Venema - Chairman Town Planning Board
Arthur Chapman - Town Code Enforcement Officer
Erwin Robinson - Town Board Member
Wallace & Roberta Baker - Applicants
John & Sally Strzepek - Applicants
Grace Lord - Owner of Pleasant Valley Inn
Lynn Shoemaker & Mr. Moryell - Bath Humane Society

The meeting was called to order at 7:06 P.M. by Chairman Littleton and the Chairman declared a quorum present.

FIRST PUBLIC HEARING: KEITH & LORI BILODEAU - Variance pursuant to Section 4.2.2 of Local Law 1 of the year 1988

Mr. and Mrs. Bilodeau were unable to attend as Mr. Bilodeau had to work, so he contacted Arthur Chapman, CEO and asked if he would appear for him.

This matter regards a pole barn for storage and needs a variance on the line. The neighbors had all been notified. The neighbor to the east had contacted Chairman Littleton and registered an objection, reason being that protection given to him by law, too close to his property. No other neighbors registered any objections.

Chairman Littleton read the Urbana Town Planning Board comments and they were made a part of the file.

Chairman Littleton commented to Appeals Board that they have legal authority to grant a variance only to minimum extent required.

Member Domras asked Mr. Chapman if it were possible to move the pole barn closer to the road, answer was that it was Mr. Bilodeau's personal preference to place it where he had requested it to be.

There being no further comments, this Public Hearing was closed at 7:16 P.M.

SECOND PUBLIC HEARING HELD ON JANUARY 25, 1990 BEFORE ZONING BOARD OF APPEALS:

WALLACE & ROBERTA BAKER - Variance pursuant to Sec. 8.4.2 of Local Law 1 of year 1988

Public hearing declared open at 7:17 P.M.

This variance is for the construction of a deck at 133 E. Lake Road. There were no public comments and Mr. Baker was advised by the Board that they would respond within 60 days to his application.

Chairman Littleton read the Urbana Town Planning Board comments on this application and they were made a part of the file.

Chairman Littleton stated that neighbor, Mr. Merola, had no objection to this application.

There being no further comments this public hearing was closed at 7:20 P.M.

THIRD PUBLIC HEARING: John & Sally Strzepek Special Use Permit pursuant to Sec. 4.1.1.3 of the Local Law 1 of year 1988.

Public hearing declared open at 7:21 P.M. RE: Saw Sharpening Service.

John Strzepek stated that this business would be operated on the second floor of the building he now operates as Woof's Den. That he would be renting this space out and that the gentleman would have 6-10 small mortorized machines up there. That the dust would be self-contained. That the gentleman is going to have four (4) stops for saw pick-ups, that he does this under contract with the places that he stops for pick-ups.

Mr. Strzepek further stated that the building would have to be insulated and this would keep the noise to a minimum, that there would be a fire floor installed, a vacumn hook-up system for the dust. He also stated that the parking lot would need to be enlarged for more room for cars to turn around in. If any signs were to be done they would of course meet regulation and possibly he would add the saw sharpening service to the signs that he presently has. He also stated that he did not believe the dust would be a problem to anyone and it would be minimal and would be self-contained. The CEO has inspected the building and he stated it can be made over to accommodate this business.

There were no public comments regarding this matter.

Chairman Littleton has received correspondence from Richard McCandless and Don Green who are both supportive of the Strzepek's ventures.

Chairman Littleton read the Urbana Town Planning Board Comments on this application and they were made a part of the file.

There being no further comments relative to this part of the application, this public hearing was closed at 7:32 P.M.

FOURTH PUBLIC HEARING: John & Sally Strzepek Special Use Permit pursuant to Section 4.1.1.3 of Local Law 1 for year 1988.

Public hearing declared open at 7:33 P.M. RE: 8 additional kennels for Boarding Town dogs.

Chairman Littleton asked if there had been any complaints from the neighbors on the dogs. The applicants responded that they had asked several of the neighbors who stated there were really no complaints.

Grace Lord, owner of Pleasant Valley Inn, stated that she had heard the dogs the night before, but not anything to really bother them; it was not constant.

Mr. Strzepek stated that they wished to install 8 kennels and lease them to the Town to take care of the stray dogs for the legal time required to hold them; that the Town would have complete jurisdiction over the kennels, and that the kennels would be built to comply with all laws. Mr. Strzepek stated he is employed by the Town of Urbana but that they had made no decision yet about leasing the kennels.

Mr. Strzepek further stated that these 8 kennels would be set aside for general town dogs and possibly co-mingled with other dogs from other towns. If this was done the Town of Urbana would have a lease with the other towns for this purpose.

Chairman Littleton asked how would people know that the dogs were there and Mr. Strzepek stated they would put it on the radio and in the Leader. Chairman Littleton further asked if it would cause a problem with the parking facilities. Mr. Strzepek said that it would not make that much difference because most people would call to see if their dog was there; they are open for calls 24 hours a day.

Member Domras asked what the time period was to hold the animals and Mr. Strzepek responded: No tag - 5 days; Licensed: Notify owner personally - 7 days; and Licensed and if he notified the owner by registered mail - 10 days. After that time period is up, the decision rests with the Town: The dog can be adopted or put to sleep by an injection from a veterinarian.

Mr. Strzepek further stated that all kennels would be inside the existing building and that they would be quartered off and the other dogs would be kept out of that area.

Grace Lord questioned the liability of the Town of Urbana, if they would be liable for other Towns' dogs which might be there. Attorney Flynn responded that there would be a contract with the other Towns and the questions of liability would be addressed in said Contracts. She further wanted to know if Strzepek had an approved septic and if they had their own well? The septic was approved by CEO Chapman and they have their own dug well.

Mr. Strzepek further stated that the animals would have sunlight and fresh air because of a large door that they would be able to have open and this would allow light and air inside the premises.

Lynn Shoemaker from the Bath Humane Society asked if the plans had been approved by the State Yet? Responded to by Mr. Strzepek "No", because they need to get the approval to build the kennels before the State can come and inspect same.

Mrs. Shoemaker asked if Dr. Charles Jenkins had been there to inspect the site, that he had stated to her that he had been unable to get in touch with the Strzepek's for this purpose. Strzepek's responded that they had never received a call from Dr. Jenkins and that they had been trying to reach him. Also he could come and inspect the place, but they aren't built yet so **they did not know** what he would be inspecting. They also stated that Dr. Jenkins had been to their **place** previous to this and had been shown completely through same.

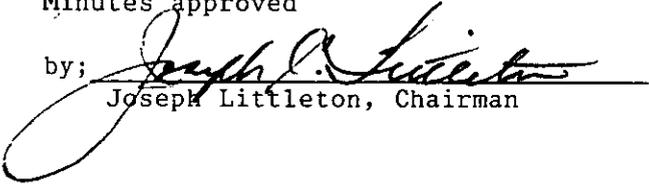
Chairman Littleton asked if there was anyone else who wanted to speak. Erwin Robinson, Urbana Town **Councilman**, said he was there to listen but he had known the Strzepek's for many years and that they were trustworthy and that he was sure they would abide by the Town and State Laws.

Chairman Littleton read the Urbana Town Planning Board's Comments on this application and they were made a part of the file.

There being no further comments relative to this part of the application, this Public Hearing was closed at 7:58 P.M.

Minutes approved

by;


Joseph Littleton, Chairman

THE REGULAR MEETING OF THE URBANA ZONING BOARD OF APPEALS FOR JANUARY 25, 1990 WAS CALLED TO ORDER BY CHAIRMAN LITTLETON AT 8:07 P.M.

PRESENT: Chairman Littleton
Robert Cornell, Member
Robert Domras, Member
William E. Doherty, Member
Brian Flynn, Attorney
Roberta Sparling, Recording Secretary
John & Sally Strzepek, Applicants

FIRST MATTER: Strzepeks' Kennels:

Member Domras asked if the original request for a Special Use permit limited the number of cages in the building? NO, but it was stated it would not be used as a dog pound. This part was specifically left open for them to come back later on. There was no reference to the number of cages, as they did not plan on boarding dogs for the Towns at that time.

Member Domras said he saw no reason for them not to put in kennels because it was not the Board's business what they did with them.

Very lengthy discussion held.

It was resolved that Strzepek's application for Special Use Permit to allow an additional 8 kennels be DENIED WITHOUT PREJUDICE TO A REAPPLICATION WHICH ADDRESSED THE NOTED DEFICIENCIES IN THE APPLICATION OF JANUARY 2, 1990, WHICH WAS THE SUBJECT OF TONIGHT'S PROCEEDINGS, DEFICIENCIES ARE:

- a. Parking and traffic control is not satisfactorily addressed.
- b. Sewage, waste disposal and disposition of deceased animals is not addressed.
- c. Signs, if any, are requested, should be specifically mentioned.
- d. Available water supply not adequately addressed.
- e. Open space available may or may not meet NYS Law requirements for holding seized animals.

It was further resolved that the Board will entertain a new application at such time as the above mentioned deficiencies are addressed and a NEW APPLICATION SUBMITTED by the Strzepeks.

VOTE CALLED FOR: Robert Cornell - aye
Robert Domras - aye
William Doherty - aye
Joseph Littleton - aye

SECOND MATTER: 8:40 P.M. Strzepek - Saw Sharpening Business:

BE IT RESOLVED that the application for the Saw Sharpending Business shall BE APPROVED only to the extent of those matters specifically set forth in the application.

The Zoning Board of Appeals found that the location on the second floor would not alter the general character of the neighborhood, and further that, since no request had been made for the placement of signs, this particular issue need not be addressed at this time.

VOTE CALLED FOR: Robert Cornell - Aye
 ROBERT DOMRAS - Aye
 William Doherty - Aye
 Joseph Littleton - Aye

THIRD MATTER: 9:08 BILODEAU VARIANCE

BE IT RESOLVED that the application by the Bilodeaus BE DENIED because it does not meet Section 8.4.3.2. The variance requested is not the minimum variance which will allow reasonable use of this property. There is sufficient acreage to locate the pole barn elsewhere on this property at a location which will require no Variance.

Further, the Zoning Baord of Appeals finds that the proposal is not justified under Section 8.4.3.3 because adjacent properties do not enjoy this type of variance.

VOTE CALLED FOR: Robert Cornell - Aye
 Robert Domras - Aye
 William Doherty - Aye
 Joseph Littleton - Aye

FOURTH MATTER: 8:13 P.M. BAKER VARIANCE

BE IT RESOLVED that the application by the Bakers BE APPROVED. The Zoning Board of appeals found that the 4' deck is the minimum variance necessary to allow Mr. Baker the reasonable use of his land and building and further such does not constitute special privilege inconsistent with the limitations upon other properties in the vicinity and district in which subject property is situated.

VOTE CALLED FOR: Robert Cornell - Aye
 Robert Domras - Aye
 William Doherty - Aye
 Joseph Littleton - Aye

Chairman Littleton instructed Roberta Sparling to notify Town Clerk, Shirley Para to schedule a Public hearing for the Dorsey Matter. Meeting was adjourned at 9:30 P.M.

MINUTES APPROVED
BY: Joseph Littleton
Joseph Littleton, Chairman