

# Zoning Board



1996



ZONING BOARD OF APPEALS  
TOWN OF URBANA, NEW YORK

NOTICE OF DECISION

DATED: September 10, 1996

DEAR Mr. and Mrs. Stachnik,

At a meeting of this Board held on September 5, 1996, your Application for a Variance was approved with one condition.

COMMENTS OF THE BOARD:

The Written Decision and Findings by the Zoning Board of Appeals were duly filed in the Office of the Town Clerk of the Town of Urbana, on September 13, 1996.

A copy of said Written Decision is enclosed herewith.

Present and voting for approval were:

James Bailey  
Robert Domras  
Edward Tyler  
Joseph Littleton  
Scott Burg

Present and Voting against approval were: none

Sincerely Yours,

*Joseph Littleton* (AP)  
JOSEPH LITTLETON, Chairman  
Zoning Board of Appeals

C/2 Mr. Scott L. Burg  
Mr. James Bailey  
Mr. Robert Domras  
Mr. Joseph Littleton  
Mr. Edward Tyler  
Brian C. Flynn, Esq.  
Terry DeBuck, CEO

DATED: September 10, 1996

TOWN OF URBANA, COUNTY OF STEUBEN  
ZONING BOARD OF APPEALS

FINDINGS

In the Matter of the Application of David and Lynne Stachnik for a Variance pursuant to Section 105-16 C.(1)(d)[1] of the Code of the Town of Urbana,

FINDINGS:

Our Decision herein is based upon the following considerations made by the Zoning Board of Appeals:

1. Construction is already in progress. A stop-work order has been issued by Terry DeBuck, CEO, for the Town of Urbana.
2. The Planning Board of the Town of Urbana, by letter filed with this Board, recommends denial for the following reasons:
  - A. Construction would further exceed 25% maximum lot coverage.
  - B. Project extends beyond the shoreline, defined by an existing seawall.
  - C. Existing lawn and seawall are adequate for reasonable use.
  - D. May initiate a negative precedent.
3. Mr. and Mrs. Stachnik were present at the hearing. Mr. Stachnik apologized for the premature construction, having relied on the contractor to obtain the necessary permits.
4. The applicants want the deck to level the space for safety reasons.
5. The dwelling is a pre-existing, non-conforming use. The dwelling does not exceed 25% of the lot coverage.
6. This is a Type II action therefore deeming SEQR finding not required.
7. The Board finds, as in previous cases, that the proposed deck structure is approximately at grade and will not be considered as part of the structure for applying setback regulations.
8. The proposed deck is reasonable and does not constitute special privilege.

9. The proposed deck will extend no further toward the lake than pre-existing masonry.
10. A dock covering the same area and at the same elevation would not require a variance or building permit.

Town of Urbana  
Zoning Board of Appeals

DATED: September 10, 1996

TOWN OF URBANA, COUNTY OF STEUBEN  
ZONING BOARD OF APPEALS

DECISION

In the Matter of the Application of David and Lynne Stacknik for a Variance pursuant to Section 105-16 C.(1)(d)[1] of the Code of the Town of Urbana,

DECISION: Approved with one condition. The Board has identified Point A on the drawing supplied by the applicant, and filed herewith, as the northwest corner of the existing concrete wall, and also the northwest corner of the proposed construction. The Board further identified a point B on the concrete wall where the proposed structure meets the concrete wall. The deck must not extend beyond a straight line from point A to Point B, (more or less following the existing concrete wall.)

Town of Urbana  
Zoning Board of Appeals

TOWN OF URBANA ZONING BOARD OF APPEALS MEETING  
July 25, 1996

PRESENT: Joseph Littleton, Chairman  
James Bailey, Member  
Robert Domras, Member  
Scott Burg, Member  
Marsha Towner, Recording Secretary  
Brian Flynn, Town Counsel

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on July 25, 1996, commencing at 7:00pm in the Town Hall. Affidavit of Publication is on file.

The Board addressed the application of the Glenn Curtis Museum whereby they are seeking relief from sign law section 86-8 A 2b. The proposed sign exceeds the allowable size outlined in the code. There was no representation of the museum. The board discussed the proposed size of the sign and the Public Hearing was closed at 7:14pm.

Mr. Domras then made the motion to accept the minutes of the May 30, 1996 meeting as submitted. Mr. Bailey seconded the motion. Roll call vote was taken and all members voted, "Aye".

Mr. Littleton then informed the board that he had received a letter from Mr. Stacknik requesting that the board review its decision of May 30, 1996 regarding his deck. Said letter is filed with the minutes of this meeting. Mr. Burg motioned that the Board rehear Mr. Stacknik's application. Mr. Domras seconded the motion. Roll call vote was taken and all members voted "Aye." The date of August 22, 1996 at 7:00pm was set for the rehearing of this matter.

Returning to new business, the Board discussed the Museum request and concluded discussion with the following findings:

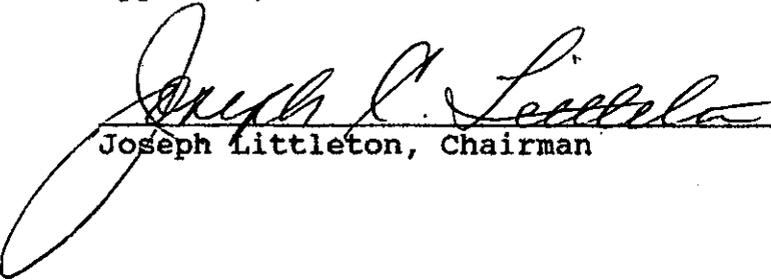
1. SEQR finding not required.
2. No adverse comment has been received from the Steuben County Office or the Town of Urbana Planning Board.
3. The present sign is inadequate for the needs of the public.
4. The proposed sign is in keeping with the neighborhood, an industrial zone.
5. The proposed sign will not be an eyesore.

Mr. Bailey motioned that the findings be accepted. Mr. Burg

seconded the motion. Roll call vote was taken, and all members voted "Aye." Upon review of the findings, Mr. Burg motioned the approval of the variance requested. Mr. Domras seconded the motion. Roll call vote was taken and all members voted "Aye".

As there was no further business to discuss, Mr. Bailey made the motion for adjournment. Mr. Domras seconded the motion. Roll call vote was taken and all members voted, "Aye". Meeting was adjourned at approximately 8:00pm.

Approved,



Joseph Littleton, Chairman

TOWN OF URBANA ZONING BOARD OF APPEALS MEETING  
MAY 30, 1996

PRESENT: Joseph Littleton, Chairman  
James Bailey, Member  
Robert Domras, Member  
Edward Tyler, Member  
Scott Burg, Member  
Marsha Towner, Recording Secretary  
Terry DeBuck, CEO

PUBLIC

PRESENT: Raymond Pierson  
Brian Pierson  
David Stacknik  
Lynne Stacknik

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on May 30, 1996, commencing at 7:00pm in the Town Hall. Affidavit of Publication is on file.

Mr. Littleton outlined the Board's procedures to the public present. He explained that the ZBA must find a basis in the law to either grant or deny the variance.

The Board then addressed the application of Jurgen Koch. No one was present at this hearing to represent Mr. Koch. Mr. Littleton read to those present, the Town of Urbana Planning Board's opinion and directed the secretary to place said opinion on file. Also read was a letter sent to the ZBA from Mrs. Jean Pierson stating her opinion. Mr. Littleton directed the secretary to place this letter on file as well. The Piersons own adjoining property to Mr. Koch, and do not want a variance to be issued to Mr. Koch giving him relief of set back requirements for the purpose of building a deck on his home. The Piersons presented pictures showing Mr. Koch's home in proximity to theirs, and pictures that also showed the lot available on the opposite side of Koch's that would allow more room for the construction of proposed deck. Mr. Pierson presented the ZBA with his survey and outlined what he thought to be the correct property line between his property and Mr. Koch's. There are conflicting surveys that show the property line to be in two different locations. Mr. Pierson's survey shows that the proposed deck would infringe on his property line.

After this information was given, there were no questions, and the public hearing was closed at 7:21pm.

The public hearing for David and Lynne Stacknik was called to order at 7:22pm. The Stacknik's are seeking relief from set back requirements in order to construct a deck at their 300 East Lake

Road property. The deck in question was almost complete when CEO DeBuck was notified of the unauthorized construction. Mr. Stacknik apologized that the construction had begun without the proper requirements having been met. He was confident that his contractor had applied for and received the building permit, and was following the code requirements. Construction ceased as soon as Mr. DeBuck cited the Stacknik's, and an application for construction was submitted. Due to nonconforming set backs, the application was denied, and thus, the Stacknik's applied for a variance of the ZBA. The deck goes over the existing seawall leaving no set back from the water line.

Mrs. Stacknik explained that there were several reasons that they wanted the deck, the first being that they have small children and the deck would offer a safer play area as well as safer access to the lake. The yard has multi levels with high steps that the children have difficulty climbing over. Mrs. Stacknik stated that the deck would also be more attractive than the multi level yard and would cover crumbling steps that are unsafe for use. As there were no questions, the Stacknik public hearing was closed at 7:42pm

The regular meeting of the Zoning Board of Appeals was called to order at 7:42pm. The first order of business was the approval of minutes from the previous meeting. Mr. Burg made the motion that the minutes be approved as submitted. Mr. Domras seconded the motion. Roll call vote was taken, and all members voted "Aye".

The Board then discussed the Koch application for set back requirements, and concluded with the following findings:

1. The Town of Urbana Planning Board has recommended denial.
2. Adjacent property owners, Mr. and Mrs. Pierson, have filed a letter of opposition with photographs. They ask that the request be denied. (letter and photographs on file)
3. The applicant was not present and not represented at this hearing.
4. There is a dispute over the property line between Pierson and Koch.
5. The applicant has owned the property for more than 20 years and used it for a seasonal residence. The variance is not essential for reasonable use of the property.
6. The applicant's dwelling is about 39 feet from the north property line; more than adequate for alternative construction without requiring a variance.
7. This Board has no jurisdiction over the property line dispute.

8. Denial will not create hardship to the applicant.
9. This is a Type II action, therefore no SEQR finding is required.

Mr. Bailey made the motion that the findings be accepted. Mr. Burg seconded the motion. Roll call vote was taken and all members voted "Aye".

Based upon the findings, Mr. Domras made the motion that the application for a variance be denied. Mr. Tyler seconded the motion. Roll call vote was taken, and all members voted "Aye."

The Board then moved onto discussion of the Stacknik application and concluded with the following findings:

1. Construction is already in progress. A stop-work order has been issued by Terry DeBuck, CEO, for the Town of Urbana.
2. The Planning Board of the Town of Urbana, by letter filed with this Board, recommends denial for the following reasons:
  - A. Construction would further exceed 25% maximum lot coverage.
  - B. Project extends beyond the shoreline, defined by an existing seawall.
  - C. Existing lawn and seawall are adequate for reasonable use.
  - D. May initiate a negative precedent.
3. Mr. and Mrs. Stachnik were present at the hearing. Mr. Stachnik apologized for the premature construction, having relied on the contractor to obtain the necessary permits.
4. The applicants want the deck to level the space for safety reasons.
5. The dwelling is a pre-existing, non-conforming use. The dwelling does not exceed 25% of the lot coverage.
6. This is a Type II action therefore deeming SEQR finding not required.
7. The Board finds, as in previous cases, that the proposed deck structure is approximately at grade and will not be considered as part of the structure for applying setback regulations.
8. The proposed deck is reasonable and does not constitute special privilege.

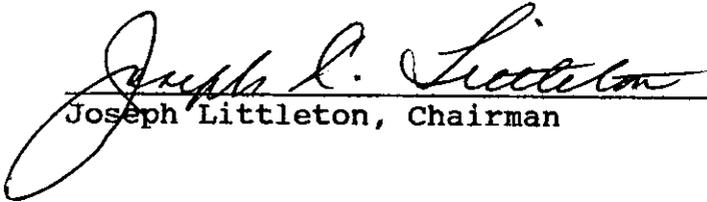
9. The Stachniks agree that the design will be changed to follow the existing seawall. No projection over the water will be constructed.

Mr. Bailey made the motion that the findings be accepted. Mr. Domras seconded the motion. Roll call vote was taken, and all members voted "Aye".

Mr. Domras made the motion that the variance be approved with the condition that the design will be changed to follow the existing seawall, and that no projection over the water will be constructed. Mr. Burg seconded the motion. Roll call vote was taken, and all members voted "Aye".

As there was no further business to discuss, Mr. Tyler made the motion for adjournment. Mr. Bailey seconded the motion. Roll call vote was taken, and all members voted "Aye". The meeting was adjourned at approximately 8:30pm.

Approved,

  
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Joseph Littleton, Chairman

TOWN OF URBANA ZONING BOARD OF APPEALS MEETING  
MARCH 7, 1996

PRESENT: Joseph Littleton, Chairman  
James Bailey, Member  
Robert Domras, Member  
Edward Tyler, Member  
Scott Burg, Member  
Brian Flynn, Council  
Marsha Towner, Recording Secretary

PUBLIC

PRESENT: Joseph Prunoske

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on March 7, 1996, commencing at 7:07pm in the Town Hall. Affidavit of Publication is on file.

Mr. Littleton outlined the Board's procedures to the public present. He explained that the ZBA must find a basis in the law to either grant or deny the variance.

The Board then addressed the application of Philip, Francis and Joseph Prunoske whereby they are seeking relief from chapter 105-44 F1(C)1 of the code of the Town of Urbana. The Prunoske's are proposing to remove the second story of the existing structure which consists of two very small bedrooms and replace it with two larger bedrooms. To do this, the second story would have a 3' overhang on the west side of the structure facing the lake. Mr. Prunoske explained that the second story is too small to accommodate his family, and the larger bedrooms would make it much more comfortable. As there were no questions from the board, the public hearing was closed at 7:28pm.

The regular meeting of the Board, convened at 7:29pm. The first item on the agenda was the approval of the minutes dated November 30, 1995. Robert Domras motioned for approval. Jim Bailey seconded the motion. Roll call vote was taken, all members voted "Aye".

Mr. Littleton then brought before the Board the matter of the correspondence between the County Planning Board and the Town of Urbana Zoning Board whereby the County Planning Board is requesting the Town Zoning Board allow them to sign off on certain actions that they (the County Board) might otherwise take. Mr. Flynn's opinion is that the County Planning Board should take part in the approval process. This would help the Town Board should there inadvertently be an error on the part of the Town Board, and it would also protect the Town Board should there be a matter of litigation. Mr. Bailey made the motion for Chairman Littleton to proceed at the advice of counsel. Mr. Tyler seconded the motion. Roll call vote was taken and all members voted "Aye".

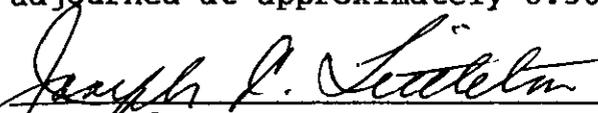
The Board then turned back to the matter of the Prunoske variance application. During discussion, the following findings were determined:

1. The property includes two dwellings, one on each side of East Lake Road.
2. The proposed construction involves only one dwelling; that located on the lake side of East Lake Road.
3. The Prunoske family has owned the property since the year 1935. Its use has been seasonal and has been a rental property for most of that time.
4. No objections have been received from any neighbor, nor from the Town Planning Board nor the County Planning Board.
5. Occupancy will not be increased by the proposed construction.
6. The proposed action is Type II under SEQOR and requires no finding of this Board.
7. The proposed variance is not substantial.
8. The proposed construction does not change the character of the neighborhood.
9. Other actions available to the owners could include a much taller structure, not requiring a variance, and could result in an undesirable change in the neighborhood. The proposed action is minimal in this regard.

Mr. Burg made the motion to approve the findings. Mr. Domras seconded the motion. Roll call vote was taken and all members voted "Aye."

Based upon the approved findings, Mr. Tyler made the motion to approve the application of the Prunoske's for a variance. Mr. Bailey seconded the motion. Roll call vote was taken. All members voted "Aye".

As there was no further business, Mr. Bailey made the motion to adjourn this meeting. Mr. Tyler seconded the motion. Roll call vote was taken. All members voted "Aye", and the meeting was adjourned at approximately 8:30pm.

  
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Approved