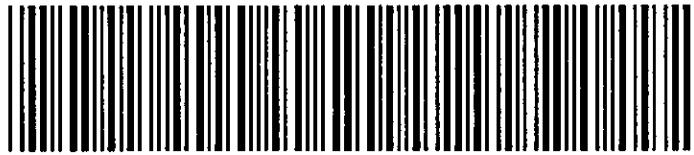


Zoning Board



1997



TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of Herman L. LaPierre,
for a Special Use Permit pursuant to Chapter 105-9C (2)(v)
of the Code of the Town of Urbana.

DECISION

It is the Decision of the Town of Urbana Zoning Board
of Appeals that this Application be GRANTED with the
following conditions:

1. That any sign erected must comply with applicable
laws, including the Sign Laws of the Town of Urbana.
2. Receiving approval from the Steuben County
Planning Board from the 239M referral effective forty-five
(45) days from the date said 239M referral is submitted to
the Steuben County Planning Board.
3. That applicant comply with all Local, County and
State Rules and Regulations.

DATED: December 10, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of Herman L. LaPierre,
for a Special Use Permit pursuant to Chapter 105-9C (2) (v)
of the Code of the Town of Urbana.

FINDINGS

The Decision herein is based upon the following
considerations made by the Zoning Board of Appeals of the
Town of Urbana.

1. The Applicant has operated a retail sales business
at the subject location for four (4) years, a permitted use
under a Special Use Permit.
2. The proposed Liquor Retail Outlet is a modification
of that Special Permit of significance.
3. No adverse comments were received from the public.
4. The Planning Board of the Town of Urbana has
recommended approval.
5. By omission, no 239M Opinion has been requested
from the Steuben County Planning Agency. A 239M form will
be prepared and promptly sent to the Steuben County Planning
Agency and they will have thirty (30) days to respond.
6. Town Attorney, Brian C. Flynn, has recommended that
the Zoning Board of Appeals postpone final action until the
239M opinion has been received from the County Planning
Agency.
7. Applicant intends to comply with the request of the
Town of Urbana Planning Board for a Site Plan Review.
8. This is a Type II SEQR action and no action is
required.

DATED: December 10, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

NOTICE OF DECISION

Mr. Herman L. LaPierre
10928 Matton Road
Prattsburgh, New York 14873

RE: Special Use Permit Application

Dear Mr. LaPierre:

At a Meeting of the Town of Urbana Zoning Board of Appeals held on November 13, 1997, your Application for a Special Use Permit was GRANTED with conditions.

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 December 12, 1997.

A copy of the Written Decision and Findings are enclosed herewith.

Sincerely yours,

Joseph Littleton
(vs)

JOSEPH LITTLETON, Chairman
ZONING BOARD OF APPEALS

JL/rs

Enclosures

C/2 All Zoning Board of Appeals Members
Brian C. Flynn, Esq.
Terry DeBuck, CEO

RECEIVED

DEC 12 1997

TOWN of URBANA

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

NOTICE OF DECISION

Daniel R. Taylor, Esq.
116 Main Street
P.O. Box 277
Penn Yan, New York 14527-0277

RE: Soldiers & Sailors Memorial Hospital
Special Use Permit Application

Dear Mr. Taylor:

At a Meeting of the Zoning Board of Appeals held on November 13, 1997, the Soldiers & Sailors Memorial Hospital Special Use Permit Application was GRANTED with conditions.

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 December 12, 1997.

A copy of the Written Decision and Findings are enclosed herewith.

Sincerely yours,

Joseph Littleton
(10)
JOSEPH LITTLETON,
Chairman

JL/rs

Enclosures

C/2 All Zoning Board of Appeals Members
Brian C. Flynn, Esq.
Terry DeBuck, CEO

RECEIVED
DEC 12 1997
TOWN of URBANA

TOWN OF URBANA, COUNTY OF STEUBEN

ZONING BOARD OF APPEALS

In the Matter of the Application of Soldiers & Sailors Memorial Hospital, for a Special Use Permit, pursuant to Chapter 105-9C(2)(b) of the Code of the Town of Urbana.

FINDINGS

The Decision of the Zoning Board of Appeals of the Town of Urbana is based upon the following considerations:

1. The Town of Urbana Planning Board has registered a positive opinion on this Special Use Permit Application.
2. No adverse opinion has been received from the Steuben County Planning Agency.
3. The property lies within an Agricultural District and the proposed use is a permitted use in said District.
4. The Board reviewed Section 105-60 in detail and determined that the proposed use and plans are adequate to meet those requirements.
5. Applicant stated that the Hazardous Medical Waste Materials will be collected in proper containers and will be returned to the Soldiers and Sailors Hospital in Penn Yan, New York for lawful disposal.
6. This is a Type II SEQR application and no action is required by this Application.

DATED: December 10, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of Soldiers and Sailors Memorial Hospital, for a Special Use Permit, pursuant to Chapter 105-9C (2) (b) of the Code of the Town of Urbana.

DECISION

It is the Decision of the Town of Urbana Zoning Board of Appeals that this Application be GRANTED with the following conditions:

1. That any sign erected must comply with all applicable laws, including the Sign Laws of the Town of Urbana.
2. That all Hazardous Medical Waste Materials will be collected in proper containers and that they will be returned to the Soldiers and Sailors Hospital in Penn Yan, New York for lawful disposal.

DATED: December 10, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

NOTICE OF DECISION

Mr. Richard Falvey
9122 Two Rod Road
Hammondsport, New York 14840

RE: Appeal of Decision of Building Inspector

Dear Mr. Falvey:

At a Meeting of this Board held on November 14, 1997,
your Appeal of the Decision of Building Inspector, Terry
DeBuck, regarding Building Permit Number 97-074 was upheld.

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 December 12, 1997.

A copy of the written Decision and Findings are
enclosed herewith.

Sincerely yours,

Joseph Littleton
(ho)

JOSEPH LITTLETON, Chairman
Zoning Board of Appeals

JL/rs

Enclosures

C/2 All Zoning Board of Appeals Members
Brian C. Flynn, Esq.
Terry DeBuck, CEO

RECEIVED

DEC 12 1997

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Appeal by Richard Falvey of the October 7, 1997 Decision of Building Inspector Terry DeBuck regarding Building Permit Number 97-074.

FINDINGS

The Decision herein is based upon the following considerations made by the Zoning Board of Appeals of the Town of Urbana.

1. That a Building Permit was issued by the Building Inspector as alleged in the October 15, 1997 letter from Richard Falvey.
2. That the subject trailer was moved across the property and placed on concrete block piers on Tuesday October 14, 1997 as reported by Mr. Falvey.
3. The unit as placed on October 14, 1997 is, in the opinion of all members of the Zoning Board of Appeals, a Mobile Home.
4. The Planning Board of the Town of Urbana has filed an opinion that Mr. Falvey's Appeal should be upheld.
5. The mobile home does not comply with all applicable regulations for mobile homes as listed in the Town of Urbana Zoning Law.
6. It is the stated intention of the owners to occupy the building from time to time.
7. The Building Inspector has indicated that no Certificate of Occupancy can be issued because the mobile home does not meet the specifications for a mobile home. The Building Inspector further advised the Applicant that he would not be issued a Certificate of Occupancy before the Building Permit was issued.
8. The Building Permit should not have been issued because no Certificate of Occupancy could be issued.
9. The Building Inspector issued a Building Permit on the reasoning that the mobile home could lawfully be moved into the property but not used as a dwelling.

DATED: December 10, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Appeal by Richard Falvey of the
October 7, 1997 Decision of Building Inspector Terry DeBuck
regarding Building Permit Number 97-074.

DECISION

It is the Decision of the Town of Urbana Zoning Board
of Appeals that, on the basis of the Zoning Law of the Town
of Urbana, the owners of the unit in question on Mr. Falvey's
Appeal were not entitled to site the unit on the property as
a Mobile Home and therefore the Board upholds Mr. Falvey's Appeal.

DATED: December 10, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS MEETING
APRIL 10, 1997

PRESENT: Joseph Littleton, Chairman
James Bailey, Member
Edward Tyler, Member
Robert Domras, Member
Roberta L. Sparling, Recording Secretary

OTHERS PRESENT: CEO Terry DeBuck
Scott Burg, Contractor for Mr. Dorsey

Chairman Littleton convened the Public Hearing regarding the Variance Application of Robert F. Dorsey at 7:01 P.M. There was no one present to be heard and the Publication Notice being on file, Scott Burg spoke on behalf of Mr. Dorsey as his Contractor. He stated that they were removing the present porch and replacing it with one in the same exact location. The porch has to be replaced because it has not been taken care of and is falling down. Mr. Burg stated that it was easier to tear the whole porch off and replace it rather than do a section at a time.

Being no further questions, the Public Hearing was closed at 7:08 P.M.

The Regular meeting of the Zoning Board of Appeals was brought to order at 7:09 P.M. James Bailey made a motion to approve the minutes of March 20, 1997. Robert Domras seconded the Motion. Roll Call Vote was taken: Chairman Littleton - Aye
James Bailey - Aye
Robert Domras - Aye
Edward Tyler - Aye

Being no further old business, the Board moved on to the new business and the Variance Application of Robert F. Dorsey. After discussion of the application, James Bailey made a motion to accept the Findings of the Zoning Board of Appeals. This Motion was seconded by Edward Tyler. Roll call vote was taken
Chairman Littleton - Aye
James Bailey - Aye
Robert Domras - Aye
Edward Tyler - Aye

A Motion was made by James Bailey to Grant the Variance and this motion was seconded by Robert Domras. Roll call vote was taken:
Chairman Littleton - Aye
Robert Domras - Aye
James Bailey - Aye
Edward Tyler - Aye

There being no further business, Edward Tyler made Motion to adjourn the meeting at 7:30 P.M. Seconded by Robert Domras. All Voted "AYE".

APPROVED:

JOSEPH LITTLETON, Chairman

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

NOTICE OF DECISION

April 14, 1997

Mr. Robert F. Dorsey
266 Wellingwood Drive
East Amherst, New York 14051

Dear Mr. Dorsey:

At a Meeting of this Board held on April 10, 1997, your Application for a Variance was GRANTED.

COMMENTS OF THE BOARD:

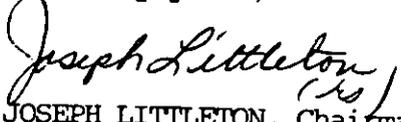
The Written Decision and Findings by the Zoning Board of Appeals were duly filed in the office of the Town Clerk of the Town of Urbana on April 14, 1997.

A copy of the Written Decision and Findings are enclosed herewith.

PRESENT AND VOTING FOR APPROVAL WERE: Joseph Littleton, Chairman
Edward Tyler
Robert Domras
James Bailey

PRESENT AND VOTING AGAINST APPROVAL WERE: NONE

Sincerely yours,


JOSEPH LITTLETON, Chairman
Zoning Board of Appeals

JL/rs
C/2 All Zoning Board of Appeals Members
Brian C. Flynn, Esq.
Terry DeBuck, CEO

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of ROBERT F. DORSEY,
for a Variance Pursuant to Chapter 105-16C (1) (d) (1) and
105-16C (1) (b) of the Code of the Town of Urbana.

FINDINGS

The Decision herein is based upon the following
considerations made by the Zoning Board of Appeals of the
Town of Urbana.

1. No SEQR Findings are required. This is a Type II Variance.
2. The property in question is a non-conforming use, pre-existing the Zoning Law.
3. No adverse opinion has been filed by the Town Planning Board or any other interested governmental agency.
4. The property is very shallow and steep and there appears to be practical difficulties in meeting all the requirements of the zoning law for reasonable use.
5. Section 105-44 (3) (c) allows necessary maintenance including restoration to a safe condition for a non-conforming property.
6. The property in question is unsafe and badly in need of repair.
7. The property has been in use as a seasonal residence in essentially its present configuration since 1958. A second story was added before the passage of the Zoning Law.
8. The adjacent property to the North is non-conforming with deck overhanging the retaining wall and projecting over the lake.
9. Other properties in the area are non-conforming due to the steepness of the terrain and proximity of the highway.

DATED: April 14, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of ROBERT F. DORSEY,
for a Variance Pursuant to Chapter 105-16 C (1) (d) (1) and
105-16 C (1) (b) of the Code of the Town of Urbana.

DECISION

It is the Decision of the Town of Urbana Zoning Board
of Appeals that this Application be GRANTED. That the
Application for reconstruction of the subject property is
approved inasmuch as the proposal does not involve any
Variance beyond the pre-existing use. Approval is limited
to necessary repair, replacement and reconstruction of the
pre-existing structure. No new Variance is approved.

DATED: April 14, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

NOTICE OF DECISION

March 24, 1997

Mr. David Bauer
9620 Ct. Rt. 95
Hammondsport, New York 14840

Dear Mr. Bauer:

At a Meeting of this Board held on March 20, 1997, your Application for a Special Use Permit was GRANTED with restrictions.

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 March 25, 1997.

A copy of the Written Decision and Findings are enclosed herewith.

PRESENT AND VOTING FOR APPROVAL WERE: Joseph Littleton
Edward Tyler
Robert Domras
James Bailey
Scott Burg

PRESENT AND VOTING AGAINST APPROVAL WERE: NONE

Sincerely



JOSEPH LITTLETON, Chairman
Zoning Board of Appeals

JL/rs
C/2 All Zoning Board of Appeals Members
Brian C. Flynn, Esq.
Terry DeBuck, CEO

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of DAVID BAUER for a Special Use Permit pursuant to Chapter 105-9c(2) (v) of the Code of the Town of Urbana.

DECISION

It is the Decision of the Town of Urbana Zoning Board of Appeals that this Application be GRANTED with the following restrictions:

1. Any sign erected must comply with applicable laws, including the sign laws of the Town of Urbana.
2. Discharge from the bait tanks must meet all applicable laws.
3. Wastewater discharge and treatment must comply with the Town of Urbana Watershed Law.
4. Occupancy and operation of the business is contingent upon approval of the Town Building Inspector to insure compliance with all applicable laws.

Dated: March 24, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of David Bauer, for a Special Use Permit pursuant to Chapter 105-9C (2) (v) of the Code of the Town of Urbana.

FINDINGS

The Decision herein is based upon the following considerations made by the Zoning Board of Appeals of the Town of Urbana:

1. That this is a Type II SEQR application - no findings are required.
2. The Planning Board has, by letter, filed a list of concerns but has made no recommendation for approval or disapproval.
3. No objections were filed in the public hearing and none were received from any other government agency.
4. The proposed buildings are currently in use at the Clark Boat Livery in the Village of Hammondsport. They will be relocated to the subject property.
5. The Applicant has received approval of ingress and egress plans from the D.O.T. Plans have been filed with the minutes of this Meeting.
6. Drawings and Plans meet all the requirement of the Zoning Law per 105-60 and the criteria therein.
7. A Bait Shop is a reasonable use of the property

DATED: March 24, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

NOTICE OF DECISION

March 21, 1997

Mr. Franklin Laufersweiler
11 Williams Street
Hammondsport, New York 14840

Dear Mr. Laufersweiler:

At a Meeting of this Board held on March 20, 1997, your Application for a Special Use Permit was GRANTED.

COMMENTS OF THE BOARD:

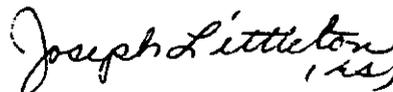
The Written Decision and Findings by the Zoning Board of Appeals were duly filed in the Office of the Town Clerk of the Town of Urbana on March 24, 1997.

A Copy of the Written Decision and Findings are enclosed herewith.

PRESENT AND VOTING FOR APPROVAL WERE: Joseph Littleton
Edward Tyler
Robert Domras
James Bailey
Scott Burg

PRESENT AND VOTING AGAINST APPROVAL WERE: NONE

Sincerely yours,



JOSEPH LITTLETON, Chairman
Zoning Board of Appeals

JL/rs
C/2 All Zoning Board of Appeals Members
Brian C. Flynn, Esq.
Terry DeBuck, CEO

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of FRANKLIN LAUFERSWEILER, for a Special Use Permit pursuant to Chapter 105-10A (2) (a) of the Code of the Town of Urbana.

DECISION

It is the DECISION of the Town of Urbana Zoning board of Appeals that this application be GRANTED.

Dated: March 20, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of FRANKLIN LAUFERSWEILER, for a Special Use Permit pursuant to Chapter 105-10A (2) (a) of the Code of the Town of Urbana.

FINDINGS

The Decision herein is based upon the following considerations made by the Zoning Board of Appeals of the Town of Urbana:

1. That the Planning Board has recommended, by letter, that this Application be granted, subject to assurance of the adequacy of the Septic System.

2. That the Applicant plans no major changes in the building.

3. That the property has been recently used for a beauty shop.

4. This is a Type II SEQR action, no finding is required.

5. The Board finds that the application is a reasonable use of the property in relation to past use and to neighborhood character.

6. The Board has reviewed the application and finds compliance with the provision of Chapter 105-60 and the detailed criteria therein.

DATED: March 20, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS MEETING
February 20, 1997

PRESENT: Joseph Littleton, Chairman
Robert Domras, Member
Edward Tyler, Member
James Bailey, Member
Scott Burg, Member
Roberta Sparling, Recording Secretary

PUBLIC PRESENT: Terry DeBuck, CEO

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on February 20, 1997, commencing at 7:03 P.M. in the Town Hall. Affidavit of Publication is on file.

Chairman Littleton convened the Public Hearing regarding the Variance Application of Raymond Poehlein at 7:03 P.M. Chairman Littleton announced that Mr. Poehlein had called him and had asked for a postponement consideration if the Board ran into any problems while reviewing his application. Chairman Littleton went to Mr. Poehlein's residence and picked up copies of his architectural drawings and brought them to the meeting for review.

Chairman Littleton asked CEO DeBuck whether the application was deficient in any area, other than the need for the Variance and CEO DeBuck said no. CEO DeBuck stated that he had been to the site and that there still was needed a new septic and they were going to install an aerobic system.

Chairman Littleton stated that Mr. Poehlein cannot build the house back any further because of the shale cliff, that he needs the front in order to get the deck out.

There being no public present to object to the Variance the Public Hearing was closed at 7:12 P.M.

Chairman Littleton called the Regular Meeting of the Zoning Board of Appeals into session at 7:13 P.M. James Bailey made a motion to approve the minutes for September 5, 1996, and November 21, 1996. Scott Burg seconded the motion. All members voted "Aye". Bob Domras made a motion to accept the December 18, 1996 minutes and this was seconded by Ed Tyler. All members voted "Aye".

Chairman Littleton gave to each member the training

session information for them to review. There was a letter from Mr. Merola that the Chairman read to all members and asked that the Secretary make copies for the Town Supervisor, The Assessor and the Town Highway Superintendent and that he had no objection to the Poehlein Variance. The letter is to be filed as part of the file. Chairman Littleton will send Mr. Merola a letter and thank him for his letter and this letter will be made part of the file.

Chairman Littleton read the Planning Board objection letter.

After review of the application and architectural drawings, Robert Domras made a motion to recess the meeting and reconven it on Monday February 24, 1997 at 4:00 P.M. at the Poehlein residence to get exact measurements and placement of new structure. This motion was seconded by James Bailey. Roll call vote taken:

Robert Domras - Aye
 Edward Tyler - Aye
 James Bailey - Aye
 Scott Burg - Aye
 Chairman Littleton - Aye

Chairman Littleton will contact Mr. Poehlein and advise as to the date and time they will meet on February 24th. Meeting was recessed at 7:50 P.M.

The recessed meeting of the Town of Urbana Zoning Board of Appeals regarding the Raymond Poehlein Variance was reconvened at 4:00 P.M. on February 24, 1997 at the Raymond Poehlein site.

PRESENT: Chairman Littleton
 Robert Domras, Member
 James Bailey, Member
 Scott Burg, Member
 Edward Tyler, Member

OTHERS PRESENT: Mr. Raymond Poehlein, Applicant
 CEO, Terry DeBuck

The Zoning Board of Appeals members examined the present structure, reviewed the architectural drawings of the proposed construction and discussed the proposed construction in detail. Certain construction difficulties were pointed out by Mr. Poehlein.

After review of the site and discussion the Board made the following Findings:

1. No SEQR is required for this action.
2. No objections were raised in the Public Hearing.
3. The Planning Board has recommended Denial and has so advised the Zoning Board of Appeals by letter.
4. The existing structure is a pre-existing non-conforming structure
5. The applicant proposes to replace the existing seasonal dwelling with a modern year round dwelling, located, more or less, in the same location as the existing structure.
6. The Variance requested will perpetuate the pre-existing structure.
7. The proposed structure will not negatively impact the view from adjacent properties. The lot in questions faces a small bay such that it is recessed relative to adjacent properties.
8. The area available for building on the subject site is narrow, about 50' between the water and a solid shale, vertical bank in the rear.
9. Alternate locations on this lot might allow a structure of approximately the same utility. However, such location would require excavation of the hill with adverse effect on the highway and/or the culvert behind. It would not be in the public's interest.
10. A year round home is a reasonable use of the subject lot.
11. The only part of the structure requiring a set-back variance is the second story deck.

James Bailey made a motion to accept the eleven (11) Findings listed above. Edward Tyler second this motion. Roll call vote was taken:

James Bailey - Aye
Robert Domras - Aye
Scott Burg - Aye
Edward Tyler - Aye
Chairman Littleton - Aye

Scott Burg made a Motion that the request for the Variance of Raymond Poehlein be granted. This motion was seconded by Edward Tyler. A roll call vote was taken:

James Bailey - Aye
Edward Tyler - Aye
Scott Burg - Aye
Robert Domras - Aye
Chairman Littleton - Aye

There being no further business to discuss, James Bailey made a motion to adjourn this meeting at 4:25 P.M.. Motion seconded by Robert Domras. All members voted "AYE".

APPROVED:

JOSEPH LITTLETON, CHAIRMAN

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of RAYMOND POEHLEIN, for a
Variance Pursuant to Section 105-16C (1)(d)(1) of the Code
of the Town of Urbana.

DECISION

It is the Decision of the Town of Urbana Zoning Board
of Appeals that this Application be GRANTED.

Dated: February 28, 1997

TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS

In the Matter of the Application of RAYMOND POEHLEIN, for a Variance Pursuant to Section 105-16C (1)(d) (1) of the Code of the Town of Urbana.

FINDINGS

The Decision herein is based upon the following considerations made by the Zoning Board of Appeals of the Town of Urbana:

1. No SEQR is required for this action.
2. No objections were raised in the Public Hearing.
3. The Planning Board has recommended Denial and has so advised the Zoning Board of Appeals by letter.
4. The existing structure is a preexisting non-conforming structure.
5. The applicant proposes to replace the existing seasonal dwelling with a modern year round dwelling, located, more or less, in the same locations as the existing structure.
6. The Variance requested will perpetuate the pre-existing structure.
7. The proposed structure will not negatively impact the view from adjacent properties. The lot in question faces a small bay such that it is recessed relative to adjacent properties.
8. The area available for building on the subject site is narrow, about 50' between the water and a solid shale, vertical bank in the rear.
9. Alternate locations on this lot might allow a structure of approximately the same utility. However, such location would require excavation of the hill with adverse effect on the highway and/or the culvert behind. It would not be in the public's interest.
10. A year round home is a reasonable use of the subject lot.
11. The only part of the structure requiring a setback variance is the second story deck.

TOWN OF URBANA
ZONING BOARD OF APPEALS

DATED: February 28, 1997

TOWN OF URBANA, NEW YORK
ZONING BOARD OF APPEALS

NOTICE OF DECISION

February 28, 1997

Mr. Raymond E. Poehlein
56 Potter Place
Fairport, New York 14450

Dear Mr. Poehlein:

At a meeting of this Board held on February 24, 1997,
your Application for a Variance was APPROVED.

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 February 28, 1997.

A copy of said Written Decision is enclosed herewith.

PRESENT AND VOTING FOR APPROVAL WERE: Robert Domras
Joseph Littleton
Edward Tyler
Scott Burg
James Bailey

PRESENT AND VOTING AGAINST APPROVAL WERE: NONE

Sincerely yours,

Joseph Littleton
(rs)

JOSEPH LITTLETON,
Chairman
Zoning Board of Appeals

JL/rs

C/2 All Zoning Board of Appeals Members
Brian C. Flynn, Esq.
Terry DeBuck, CEO