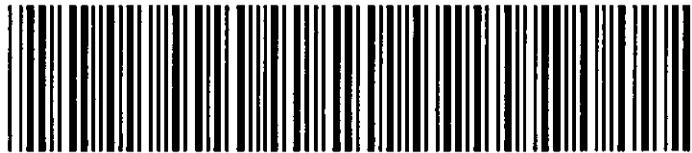
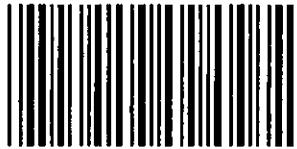


Zoning Board



1999



TOWN OF URBANA ZONING BOARD OF APPEALS
September 23, 1999

Present: Joseph Littleton, Chairman
Scott Burg, Member
Robert Domras, Member
James Bailey, Member
Edward Tyler, Member
Carolyn Spicer, Recording Secretary

Others Present: Justine Miller, Applicant
Mr. & Mrs. Larry Peterson, Applicants

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on September 23, 1999 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:00 p.m. for Application #99-022, Ms. Justine Miller, 399 West Lake Road, Hammondsport, NY 14840 in the matter of a request for a Variance pursuant to Section 105-15 C (1) (b) and Section 105-15 C (1) (c) of the Town of Urbana Code. Ms. Miller is seeking relief from side yard depth and back yard depth requirements to construct an 18 foot addition to the existing garage located at the above address.

Notice of the Public Hearing is on file in the Town Clerk's office and public notice was published in the Leader.

Ms. Miller spoke, giving her reasons for requesting approval of this application.

No objections were voiced at the Public Hearing.

The Public Hearing closed at 7:15 p.m.

Chairman Littleton called the **Public Hearing** to order at 7:16 p.m. for Application #99-024, Mr. & Mrs. Larry Peterson, 8293 Everetts Road, Hammondsport, NY 14840 in the matter of a request for a Variance pursuant to Section 105-15 C (1) (b) and Section 105-26 A (1) of the Town of Urbana Code. Mr. & Mrs. Peterson are seeking relief from side yard setback requirements to construct a two story garage located at the above address.

Notice of the Public Hearing is on file in the Town Clerk's office and public notice was published in the Leader.

Mr. & Mrs. Peterson spoke, giving their reasons for requesting approval of this application.

No objections were voiced at the Public Hearing.

The Public Hearing closed at 7:30 p.m.

Town of Urbana Zoning Board of Appeals

September 23, 1998

Page 2

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:33 p.m.

Mr. Bailey made a motion to approve the minutes of the meeting on August 12, 1999; seconded by Mr. Burg and carried with a unanimous voice vote.

Old Business - None

New Business:

The application of Ms. Justine Miller was discussed.

It was noted that the Town of Urbana Planning Board recommended denial due to lack of information to give a favorable opinion. It was also noted that the property is in an area zone agricultural, but the character of the area is residential.

A motion was made by Mr. Bailey, Seconded by Mr. Domras to accept the findings.

ROLL CALL VOTE:	Scott Burg,	Aye
	Edward Tyler,	Aye
	James Bailey,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	Aye

Motion made by Mr. Bailey to approve the Variance with the following qualification: This action in no way authorizes or validates any construction interfering with highway right-of-way, as this Board has no jurisdiction in such matters. Motion seconded by Mr. Tyler.

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	Aye

The application of Mr. & Mrs. Larry Peterson was discussed.

It was noted that the Town of Urbana Planning Board recommended denial due to lack of information to give a favorable opinion. It was also noted that the property is in an area zone agricultural, but the character of the area is residential.

A motion was made by Mr. Domras, Seconded by Mr. Tyler to accept the findings.

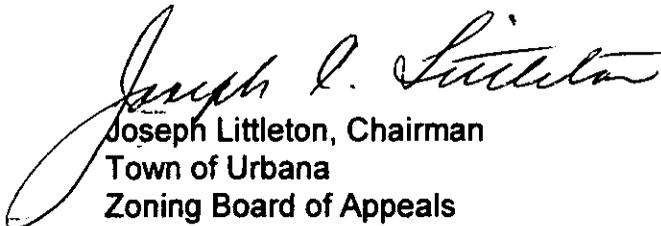
ROLL CALL VOTE:	Scott Burg,	Aye
	Edward Tyler,	Aye
	James Bailey,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	Aye

Motion made by Mr. Burg to approve the Variance with the following qualification: This action in no way authorizes or validates any construction interfering with highway right-of-way, as this Board has no jurisdiction in such matters. Motion seconded by Mr. Bailey.

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	Aye

Motion to adjourn at 8:15 p.m. made by Mr. Bailey and seconded by Mr. Tyler. Carried by a unanimous voice vote.

Respectfully submitted,


Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

TOWN OF URBANA ZONING BOARD OF APPEALS
August 12, 1999

Present: Joseph Littleton, Chairman
 Scott Burg, Member
 James Bailey, Member
 Carolyn Spicer, Recording Secretary

Others Present: Ronald Wilkins, Applicant

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on August 12, 1999 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:00 p.m. for Application #99-017, Ronald and Patricia Wilkins, 428 East Lake Road, Hammondsport, NY 14840 in the matter of a request for a Variance pursuant to Section 105-16 C (d) (2) of the Town of Urbana Code. Mr. and Mrs. Wilkins are seeking relief from rear yard setback requirements for an addition to the garage located at the above address.

Notice of the Public Hearing is on file in the Town Clerk's office and public notice was published in the Leader.

Chairman Littleton explained that this is an Area Variance request. The questions the Board will address include: Does the 20 feet in the law refer to the right-of-way in the deed, or the property line? Is there a reasonable alternative? Is it reasonable use of the property? Is there a negative environmental impact?

Mr. Wilkins spoke, giving his reasons for requesting approval of this application. This property is now a year round home, and the reason for adding on to the garage is to provide winter storage of additional equipment (a boat and deck furniture), and for an auxiliary generator for emergency use, since the house is total electric.

No objections were voiced at the Public Hearing.

The Public Hearing closed at 7:25 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:26 p.m.

Mr. Burg made a motion to approve the minutes of the meeting on July 16, 1999; seconded by Mr. Bailey and carried with a unanimous voice vote.

Old Business - None

New Business:

The application of Mr. Wilkins was discussed.

A motion was made by Mr. Bailey, Seconded by Mr. Burg to accept the findings.

ROLL CALL VOTE:	Scott Burg,	Aye
	Edward Tyler,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

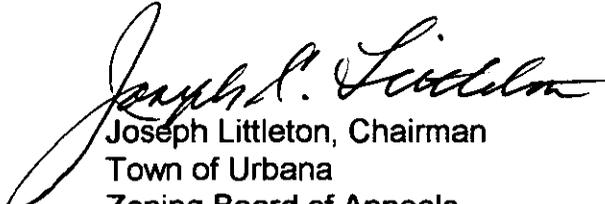
Motion made by Mr. Tyler as follows: If a variance is required the Board approves the variance. If a variance is not required, the Board recommends a building permit be issued.

✓ This action in no way authorizes or validates any construction interfering with highway right-of-way, as this Board has no jurisdiction in such matters. Motion seconded by Mr. Bailey

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

† Motion to adjourn at 7:55 p.m. made by Mr. Burg and seconded by Mr. Tyler. Carried by a unanimous voice vote.

Respectfully submitted,


Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application of **Ronald and Patricia Wilkins, 428 East Lake Road, Hammondsport, NY, 14840**, pursuant to Section 105-16 C (d) (2) of the Code of the Town of Urbana.

FINDINGS

1. Type II action. No SEQR finding necessary.
2. The Town Planning Board has submitted a negative opinion and recommended that a variance be granted only in the case of extreme hardship.
3. No objection has been received from the County Planning Board or any other government agency, nor from any neighbor.
4. Mr. Wilkins wishes to house three automobiles under cover, to store summer furniture during the winter, and house a motor generator to provide insurance against power outage since his heating system is dependent on electricity.
5. No special privilege is involved. Other properties in the neighborhood and along East Lake Road have similar problems.
6. East Lake Road is higher than the proposed garage location and imposes construction difficulty.
7. No other location gives the advantages desired without excessive expense or aesthetic disadvantage.
8. To the applicant the advantage of the proposed construction is large. There is little or no detriment to the neighbors or the community.
9. The variance, if any, is minimal. Actually, the rear lot line of this property falls near the center of East Lake Road in the vicinity of the proposed construction. The rear yard, by definition, is measured therefrom, in which case no variance is required.

DATED: August 12, 1999

Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

**In the Matter of Application of Ronald and Patricia Wilkins, 428 East lake Road,
Hammondsport, New York**

DECISION

The Variance request of **Ronald and Patricia Wilkins, 428 East lake Road,
Hammondsport, NY 14840**, seeking relief from the rear yard setback requirements for an
addition to a garage on the above property has been approved.

DATED: August 12, 1999

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS
July 16, 1999

Present: Joseph Littleton, Chairman
 Scott Burg, Member
 James Bailey, Member
 Robert Domras, Member
 Carolyn Spicer, Recording Secretary

Others Present: Thomas Simons, Applicant

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on July 16, 1999 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:00 p.m. for Application #99-015, Thomas Simons, 7979 Rt. 54, Bath, NY. Mr. Simons has applied for a variance to Section 105-20 A of the Code of the Town of Urbana, seeking relief from front yard setback requirements and corner sight clearance requirements to construct a garage on the above property.

Notice of the Public Hearing is on file in the Town Clerk's office and public notice was published in the Leader.

Mr. Simons spoke, giving his reasons for requesting approval of this application. The applicant feels that since it is an historical building, another location on the property for the garage would detract from the character of that historic building. Mr. Simons had met with NYSEG representative regarding the distance necessary from electric lines and poles. The septic system prohibits construction to the south. No objections were voiced at the Public Hearing.

The Public Hearing closed at 7:25 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:26 p.m.

Mr. Bailey made a motion to approve the minutes of the meeting on May 27, 1999; seconded by Mr. Burg and carried with a unanimous voice vote.

Under Old Business, the Board discussed the mandatory training, per Local Law #1, bringing Mr. Domras up to date after his recent absence. The consensus of members is that it should be a presentation by professional educators, or through a well written handbook.

New Business:

Town of Urbana Zoning Board of Appeals

July 16, 1998

Page 2

The application of Mr. Simons was discussed. The property is located in a district zoned agricultural, but most properties in the area are roadside business and residential in character. Because it is a corner lot, three (3) sides are considered front.

Alternative locations were discussed. Constructing a smaller structure was also discussed. Power lines and septic system prevent construction in some locations. The character of the property would be lost if it became necessary to remove vineyards, and reasonable use of the property by the owner would be denied.

A motion was made by Mr. Bailey, Seconded by Mr. Domras to accept the findings.

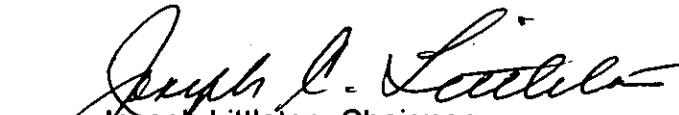
ROLL CALL VOTE:	Robert Domras,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

Motion made by Mr. Burg to approve variance, and seconded by Mr. Bailey.

ROLL CALL VOTE:	Robert Domras,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

Motion to adjourn at 7:55 p.m. made by Mr. Domras and seconded by Mr. Bailey. Carried by a unanimous voice vote.

Respectfully submitted,


Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

AP:docs/urbana/zone716

TOWN OF URBANA ZONING BOARD OF APPEALS

May 27, 1999

Present: Joseph Littleton, Chairman
Edward Tyler, Member
Scott Burg, Member
James Bailey, Member
Carolyn Spicer, Recording Secretary

Others Present: Don & Brenda Personius, applicant
Mr. & Mrs. Paul Wood, neighbor
Mr. Rick Wood, neighbor
Michael Jakubowski, applicant

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on May 27, 1999 at 7:10 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:10 p.m. for Application #99-008, Don and Brenda Personius, 8308 Pleasant Valley Rd., Hammondsport, NY. Mr. & Mrs. Personius have applied for a use variance pursuant to Section 105-10 C (1) of the Code of the Town of Urbana, to allow a floral shop business in their home at the above address.

Notice of the Public Hearing is on file in the Town Clerk's office and public notice was published in the Leader. The Town of Urbana Planning Board recommended approval.

Mr. & Mrs. Personius spoke, giving their views on reasons for approving this use variance. Mrs. Personius feels the new use of the former Taylor Winery property by Mercury Aircraft has devalued the Personius property. It was also noted that half the Personius property is zoned industrial, and half is residential.

Neighbors present at the hearing voiced support of Mr. & Mrs. Personius. No objections were voiced at the Public Hearing.

The Public Hearing closed at 7:48 p.m.

At 7:49 p.m. Chairman Littleton called to order a Public Hearing in the matter of Michael Jakubowski, Application #99-011, 480 East Lake Road, Hammondsport, NY, requesting a Variance pursuant to Section 105-16 C (d) (1) and Section 105-16 C (b) of the Town of Urbana Code, seeking relief from the front yard and side yard setback requirement for a porch addition to the above address.

Mr. & Mrs. Jakubowski spoke, explaining their request. No neighbors present, and no objections voiced at the Public Hearing.

The Public Hearing was adjourned at 7:57 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:58 p.m.

Mr. Bailey made a motion to approve the minutes of the meeting on April 15, 1999; seconded by Mr. Burg and carried with a unanimous voice vote.

Under Old Business, the Board discussed the setback Variance application of Mr. Havens, which at a previous meeting was rejected because it was unclear, and no one present at the hearing was able to explain it. A letter was received by the Zoning Board from the Code Enforcement Officer and was answered by Mr. Littleton. A copy of that response is attached to these minutes.

The Jakubowski application was discussed. A motion was made by Mr. Tyler and seconded by Mr. Burg to adopt the findings.

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

A letter was received by the Zoning Board from Ms. Evelyn Miller of 485 E. Lake Road, indicating no objection to the proposed porch addition. A copy of that letter is attached to these minutes.

Motion made by Mr. Burg to approve variance, and seconded by Mr. Bailey, with the following stipulation: Approval of the variance in no way authorizes or legitimizes any previous encroachment, as this Board does not have that authority.

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

The Personius application was discussed. A motion was made by Mr. Bailey and seconded by Mr. Burg to adopt the findings.

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

Town of Urbana Zoning Board of Appeals

May 27, 1998

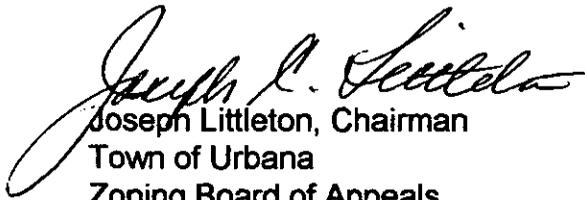
Page 3

A motion was made by Mr. Tyler and seconded by Mr. Burg to approve the variance.

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

Motion to adjourn at 8:55 p.m. made by Mr. Bailey and seconded by Mr. Burg. Carried by a unanimous voice vote.

Respectfully submitted,


Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

AP:docs/urbana/zone527

Joseph C. Littleton
190 East Lake Road
Hammondsport, NY 14840

May 25, 1999

Town of Urbana Supervisor
Town of Urbana Planning Board
Town of Urbana Clerk
Town of Urbana Code Enforcement Officer
Town of Urbana Attorney

Re: Keuka Lake Shoreline Lots

Terry De Buck, the Code Enforcement Officer, has requested clarification of the references to "Keuka Lake Shoreline Lots" in the Zoning Law, par 105-16. Perhaps the town attorney could be asked to supply a strict definition of the term.

As for the Zoning Board of Appeals, the question was raised at our last meeting in the matter of variance application #99-004, Williams Havens, 361 East Lake Road, Hammondsport, NY. Mr. Havens had been denied a building permit for construction of a storage building on his property.

The ZBA found that the sketch supplied did not supply enough detail to grant a variance and Mr. Havens was not present to supply those details. A neighbor, Ray Pierson had been asked informally to represent Mr. Havens, but was unable to supply clarification of the plans. The variance was, therefore, denied by unanimous roll call vote.

We did though, recognize that the lot in question, owned by Mr. Havens, extended from SR 54 to the shore of Keuka Lake. Although the lot was transected by the right of way of East Lake Road as it is known on some maps (Hammondsport-Grove Springs Highway on older maps) we considered it a single lot. In the spirit of the law it could hardly be considered as two lots. As a single lot, it appeared that the lot should be classified as a shoreline lot, since it was clearly laid out and currently used as such.

It might be held that the right of way of East Lake Road must be considered. As a matter of fact, many properties on East Lake Road encroach on what appears to be the legal right of way. The ZBA has considered such encroachment in preceding cases. We believe that the ZBA lacks jurisdiction in such matters and have taken the position that we can give no protection to the landowner for encroachment. In at least one such case we felt it incumbent, on advice of counsel, to warn the landowner that proposed construction was at risk should the Town assert control of the area. The landowner was advised that removal of the new construction, even though only a replacement for an existing structure, might be required. In that case, since the variance granted did not include the encroachment, which preexisted, the ZBA declined to consider the encroachment any further than informal advice to the landowner. We do not believe that the Zoning Law empowers the ZBA to grant a variance which includes encroachment on highway right of way.

In summary, we considered the 361 E. Lake Rd. property to be a "Keuka Lake Shoreline Lot" and advised the landowner to discuss the matter with the Code Enforcement Officer in the belief that a location for the proposed building could be found which would require no variance.

Personally, I do not believe a more strict definition is needed.

Sincerely,

Joseph C. Littleton
Chairman, ZBA



Town of Urbana

41 Lake Street
Hammondsport, New York 14840-0186

Supervisor
607-569-3741

Town Clerk
607-569-3743

Fax #
607-569-2412

May 10, 1999

Mr. and Mrs. Robert Miller
485 East Lake Road
Hammondsport, NY 14840

Dear Mr. and Mrs. Miller:

The Town of Urbana Zoning Board of Appeals will hold a Public Hearing on Thursday, May 27, 1999 at 7:15 p.m. in the Town Hall, 41 Lake Street, Hammondsport, New York. Mr. Michael Jakubowski, 480 East Lake Road, Hammondsport, NY have applied for a Variance to Section 105-16 C (d) (1) and Section 105-16 C (b) of the Town Code. Mr. Jakubowski is seeking relief from the front yard and side yard setback requirements for a porch addition to his home at the above address.

All interested parties will be given an opportunity to be heard at this time or you may submit your comments in writing.

Sincerely,

Debbie Pierce

Debbie Pierce
Town Clerk

*P.O. Box 2612
S. Padre Island TX
78594*

May 17, 1999

*Town of Urbana
41 Lake St.
Hammondsport, N.Y. 14840
Dear Mrs. Pierce*

*I have no objection for Mr. Jakubowski's
variance for a porch addition, as stated
above. Thank you for your inquiry.*

Robert Miller 485 E Lake R.

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application of **Mr. & Mrs. Michael Jakubowski, 480 East Lake Road, Hammondsport, NY.**

DECISION

The Variance request of **Mr. & Mrs. Michael Jakubowski, 480 East Lake Road, Hammondsport, NY**, seeking relief from the front yard and side yard setback requirement for a porch addition is approved.

DATED: May 17, 1999

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

**In the Matter of Application #99-011, Michael Jakubowski, 480 East Lake Rd.,
Hammondsport, New York, 14840.**

FINDINGS

1. No SEQR findings are required. This is a Type II action.
2. No objections have been received from the Town or County Planning Boards nor from any other public body, nor from neighbors, nor from the public.
3. No special privilege is involved. Other properties in the area are located on the lakeshore.
4. The proposed construction is in keeping with the character of the neighborhood, and is a reasonable use of the property.
5. No lesser variance will suffice to meet the owner's needs.
6. The variance is minor.
7. There is no self-created difficulty.

DATED: May 27, 1999

**Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS**

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application of **Don & Brenda Personius, 8308 Pleasant Valley Road, Hammondsport, NY.**

DECISION

The Variance request of **Don & Brenda Personius, 8308 Pleasant Valley Road, Hammondsport, NY**, seeking a use variance to allow a floral shop business in their home has been approved.

DATED: May 17, 1999

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application #99-008, Don & Brenda Personius, 8308 Pleasant Valley Rd., Hammondsport, New York, 14840.

FINDINGS

1. No SEQR finding. Type II variance.
2. The Town Planning Board has recommended approval.
3. No objection has been received from the County or any other public agency.
4. No objection has been received from any neighbor nor from the public.
5. Several neighbors appeared at the public hearing to support the applicant.
6. The Personius lot lies largely in an industrial zone, partially in a residential zone.
7. The immediate neighborhood includes Mercury Aircraft operations, winery operations, bed and breakfast, a retail outlet for fermenting equipment and supplies (no longer operating), and other non-residential uses. The proposed residential business will not change the character of the neighborhood.

DATED: May 27, 1999

**Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS**

TOWN OF URBANA ZONING BOARD OF APPEALS
April 15, 1999

Present: Joseph Littleton, Chairman
 Edward Tyler, Member
 Scott Burg, Member
 James Bailey, Member
 Robert Domras, Member
 Carolyn Spicer, Recording Secretary

Others Present: Ray Pierson, neighbor
 Michael Dowd, neighbor
 Vince Spagnoletti, prospective neighbor

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on April 15, 1999 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:05 p.m. for Application #99-004, William Havens, 361 East Lake Road, Hammondsport, New York. Mr. Havens has applied for a Variance pursuant to Section 105-16 C (1) (b) (a) of the Code of the Town of Urbana, seeking relief from front yard setback requirements to enlarge an existing a storage building.

Notice of the Public Hearing is on file in the Town Clerk's office and public notice was published in the April 3, 1999 issue of the Leader.

No comments were received from other agencies; no opinion from the Town of Urbana Planning Board.

Discussion ensued.

The Public Hearing was adjourned at 7:17 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:19 p.m.

Mr. Tyler made a motion to approve the minutes of the meeting on February 18, 1999; seconded by Mr. Bailey and carried with a unanimous voice vote.

The Board discussed the setback Variance application of Mr. Havens. Comments were received by mail from Mr. John Svensson, a copy attached to these minutes for reference. A list of findings was prepared and included as a part of these minutes.

Town of Urbana Zoning Board of Appeals

April 15, 1998

Page 2

Motion made by Mr. Bailey to accept the findings and seconded by Mr. Domras.

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	Aye

Motion made by Mr. Burg to deny variance because it is considered a shoreline lot and may not require a variance; seconded by Mr. Tyler:

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	Aye

It is recommended that Mr. Havens consult the Code Enforcement Officer to review the application and determine if a variance is required.

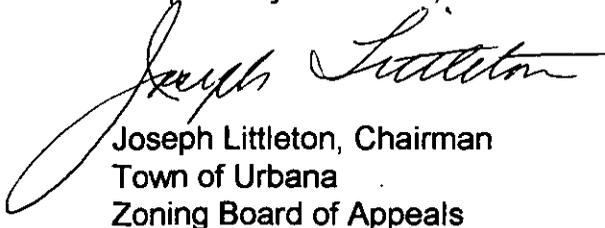
Mr. Littleton reported on the public hearing on the proposed Public Law requiring training for Board Members. Mr. Littleton stated the law appears appropriate. The Chairman also reported on a course attended in Bath by Mr. Littleton, Mr. Tyler, and Mr. Bailey. The consensus was that the course was not beneficial.

Mr. Littleton presented a training booklet he had ordered from NYS Planning Foundation. The Chairman will continue to study the course contained in the booklet and report back to members.

It was discussed that perhaps a professional educator prepare material for the Zoning Board members, and present it in course form, held within a reasonable distance.

Motion to adjourn at 8:02 p.m. made by Mr. Tyler and seconded by Mr. Burg. Carried by a unanimous voice vote.

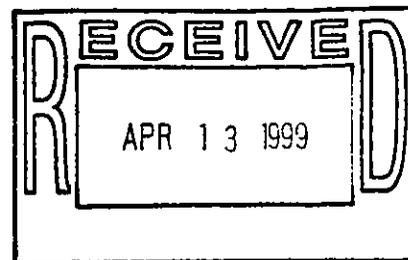
Respectfully submitted,



Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

Carroll



April 5, 1999

Ms. Debbie Pierce
Town Clerk
Town of Urbana
41 Lake St.
Hammondsport, NY 14840-0186

Dear Debbie,

Thank you for your letter of April 1. Since I live in Chicago, I will not be able to attend the meeting on April 15 regarding Mr. William Havens request about extending a shed on his property at 361 East Lake Rd.

My concerns would be:

- The properties of 361, 362, and 363 are so close together that nothing would be done to effect or block the views from the other two properties
- What is the purpose of expanding the shed? If it is going to be equipped with a laundry, shower, or toilet I assume that the project will be inspected to be sure it is properly hooked up to a legal septic system.
- That if any oil, gas or electric is being hooked up in the shed, that it does not constitute a fire hazard. Again, the properties are very close and fire would spread quickly.

Mr. Havens has certainly expanded and improved the property over the time of his ownership. I am sure that his new project will be a terrific addition.

Thank you again for contacting me. If you have any questions, please feel free to call me.

Very truly yours,

A handwritten signature in cursive script that reads "John Svensson".

John Svensson
(312) 616-6854 Work
(773) 935-4902 Home

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application of Application #99-004, Mr. William Havens, 361 East Lake Road, Hammondsport, NY 14840.

FINDINGS

1. The Planning Board has deferred an opinion. This Board will interpret that as no objection.
2. The Steuben County Planning office has filed no objection.
3. Type II SEQR. No action required.
4. Mr. Havens did not attend the Public Hearing. The sketch supplied does not provide enough detail to grant variance.

DATED: April 15, 1999

Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS

AP:docs/urbana/find-wh

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application of **William Havens, 361 East Lake Road, Hammondsport, New York, 14840**, pursuant to Section 105-16 C (1) (a) of the Code of the Town of Urbana.

DECISION

The Variance request of **William Havens, 361 East Lake Road, Hammondsport, New York, 14840**, pursuant to Section 105-16 C (1) (a) of the Code of the Town of Urbana is denied.

DATED: April 15, 1999

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS
February 18, 1999

Present: Joseph Littleton, Chairman
Edward Tyler, Member
Scott Burg, Member
James Bailey, Member
Carolyn Spicer, Recording Secretary

Absent: Robert Domras, Member

Others Present: Norman Hann, Applicant
John Weaver, Neighbor

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on February 18, 1999 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:00 p.m. for Application #99-002, Norman Hann, 7855 Route 13, Bath, New York 14810. Mr. Hann has applied for a Variance pursuant to Section 105-15 C (1) (b) (c) of the Code of the Town of Urbana, seeking relief from back and side yard setback requirements to construct a 36' X 48' garage at the above address.

Notice of the Public Hearing is on file in the Town Clerk's office and public notice was published in the February 7, 1999 issue of the Leader.

No comments were received from other agencies; no opinion from the Town of Urbana Planning Board.

Discussion ensued, with Mr. Hann presenting his reasons for the application for a variance, and Mr. Weaver clarifying his objections.

The Public Hearing was adjourned at 7:58 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:59 p.m.

Mr. Tyler made a motion to approve the minutes of the meeting on January 7, 1999; seconded by Mr. Bailey and carried with a unanimous voice vote.

Mr. Littleton explained he had given an undated resignation to the Town Supervisor, and it was not accepted. Mr. Bailey and Mr. Littleton will be attending a seminar in the near future, date to be determined.

Town of Urbana Zoning Board of Appeals

November 12, 1998

Page 2

The Board discussed the setback Variance application of Mr. Hann. As questions existed regarding the line of sight and drainage issues, the meeting was recessed at 8:40 p.m., to be reconvened at the site at 8:00 a.m. on February 19, 1999. Motion to recess made by Mr. Bailey, and seconded by Mr. Burg. Unanimous voice vote.

The Board reconvened on the site of the proposed construction at 8:00 a.m. Friday, February 19, 1999 and discussed the proposal and considered alternatives, while reviewing the objections raised by Mr. Weaver. Mr. Weaver and Mr. Hann were present and participated in the discussion. A list of findings was prepared and included as a part of these minutes.

Motion made by Mr. Bailey to accept the findings and seconded by Mr. Burg.

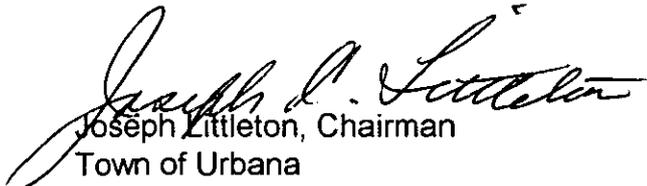
ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

Motion made by Mr. Bailey to grant variance and seconded by Mr. Tyler.

ROLL CALL VOTE:	Edward Tyler,	Aye
	Scott Burg,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

Motion to adjourn at 8:45 a.m. made by Mr. Tyler and seconded by Mr. Burg. Carried by a unanimous voice vote.

Respectfully submitted,


Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application of **Norman A. Hann, 7855 Route 13, Bath, New York, 14810**,
pursuant to Section 105-15 C (1) (b) (c) of the Code of the Town of Urbana.

FINDINGS

1. The Town of Urbana Planning Board has elected to submit no opinion on this request for variance.
2. No objection has been filed by any other public agency.
3. The property is located in an area zoned agricultural.
4. The applicant's lot is a pre-existing, non-conforming use, inasmuch as the area is less than two acres.
5. Similar undersized lots exist adjacent to the property. To the north, the character of the neighborhood is residential. To the south, east, and west the neighborhood is farmstead and farm land.
6. Mr. John Weaver, property owner of the land to the east, south, and west asserts that his view of one of his fields will be partially obscured. He further fears that drainage from the roof of the building will possibly cause a wet spot on his land.
7. The proposed use of this lot for garden, garage and residence is a reasonable use of the property.
8. The proposed use is not detrimental to the public interest.
9. This is a Type II action under SEQR regulations. No finding is required.
10. The Board after reconvening and inspecting the property finds that the obstruction of the view from the Weaver property will be negligible as a result of the proposed construction.
11. The slope of the proposed garage site is west to east, away from the Weaver property. Soils are well drained. There is no drainage problem reported and none apparent as a result of the septic leach field nearby.
12. Alternate locations of the proposed garage would unreasonably restrict the owner's use. The proposed location is the minimum variance needed.

Findings (continued)
Application #99-002: Norman A. Hann

13. The degree of inconvenience to the neighbor (Mr. Weaver) is minor as opposed to the benefits which will accrue to the property owner if the variance is granted.

DATED: February 19, 1999

Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS

AP:docs/urbana/findhann

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application of **Norman A. Hann, 7855 Route 13, Bath, New York, 14810** pursuant to Section 105-15 C (1) (b) (c) of the Code of the Town of Urbana.

DECISION

The Variance request of **Norman A. Hann, 7855 Route 13, Bath, New York, 14810** pursuant to Section 105-15 C (1) (b) (c) of the Code of the Town of Urbana is approved.

DATED: February 19, 1999

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS
January 7, 1999

Present: Joseph Littleton, Chairman
Edward Tyler, Member
James Bailey, Member
Scott Burg, Member
Carolyn Spicer, Recording Secretary

Others Present: Mr. & Mrs. Walter Carl, Jr., Applicants
Mr. W. John Carl

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on January 7, 1999 at 7:20 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:20 p.m. for Application #98-090, Mr. & Mrs. Walter Carl, Jr., Hammondsport, NY 14810. Mr. & Mrs. Carl have applied for a variance seeking relief from the side yard setback requirements to construct a storage building. Proof of publication of notice of this Public Hearing as advertised in the Corning Leader is on file.

Discussion: The applicants explained why the application should be approved. Chairman Littleton reported no negative input received from the public. Discussed also, whether a lesser variance would suffice or if this application is for the minimum variance.

The Public Hearing adjourned at 7:30 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:31 p.m.

Mr. Bailey made a motion to approve the minutes of the meeting on December ¹⁷~~18~~ 1998 as submitted, seconded by Mr. Burg and carried with a unanimous voice vote.

The Board discussed the application of Walter and Linda Carl. Motion was made by Mr. Bailey and seconded by Mr. Tyler to accept the Findings of the Zoning Board of Appeals.

ROLL CALL VOTE:	Edward Tyler,	Aye
	James Bailey,	Aye
	Scott Burg,	Aye
	Joseph Littleton,	Aye

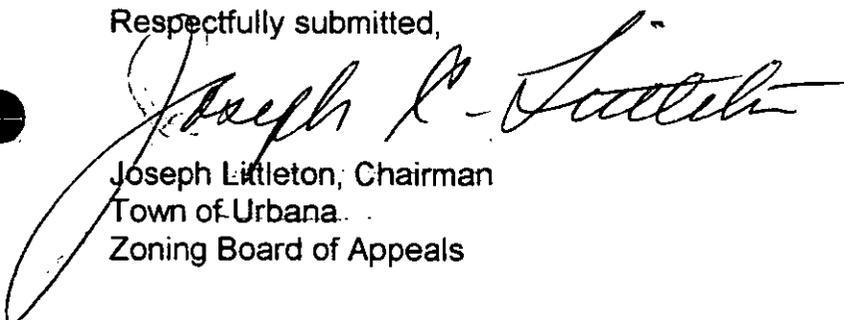
Motion made by Mr. Tyler and seconded by Mr. Burg to approve the Variance as requested in Application 98-090; Mr. & Mrs. Walter Carl, Jr.

ROLL CALL VOTE:	Edward Tyler,	Aye
	James Bailey,	Aye
	Scott Burg,	Aye
	Joseph Littleton,	Aye

Discussion of the proposed Local Law #1 1999, "A Local Law to provide for required training for members of the Planning Board and the Zoning Board of Appeals." Notice was received of a Public Hearing on the matter, scheduled for January 19, 1999 at 7:00 p.m. ZBA members feel they should rely on the Town Attorney for advice on interpretation of the law, and will be represented at the Public Hearing to make their feelings known.

Motion was made by Mr. Bailey and seconded by Mr. Tyler to adjourn the meeting at 8:05 p.m. Motion unanimously carried by voice vote.

Respectfully submitted,



Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application #98-090, Mr. & Mrs. Walter Carl, Jr., Hammondsport, New York, 14840.

FINDINGS

1. No adverse opinion has been received from any interested government agency, the Town of Urbana Planning Board, nor any member of the public.
2. This is a Type II SEQR action requiring no environmental impact findings by this board. No SEQR finding is required.
3. Similar non-conforming, pre-existing minor variances exist in the area. No special privilege is involved.
4. The proposed structure will be portable and might not require a variance.
5. The storage shed is a reasonable use of the property. The variance requested is necessary for such use.
6. The variance requested is the minimum variance which allows placement of the shed and thus reasonable use of the property.

DATED: January 7, 1999

Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS

AP:docs/urbana/findcart

**TOWN OF URBANA, COUNTY OF STEUBEN
ZONING BOARD OF APPEALS**

In the Matter of Application of **Mr. & Mrs. Walter Carl, Jr., Hammondsport, New York.**

DECISION

The Variance request of **Mr. & Mrs. Walter Carl, Jr., Hammondsport, New York** to construct a storage shed is approved.

DATED: January 7, 1999

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS