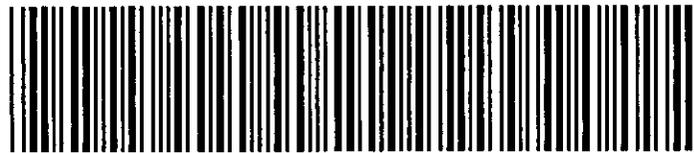


Zoning Board



2000



TOWN OF URBANA ZONING BOARD OF APPEALS
November 30, 2000

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

Others Present: James George, applicant, Harold Cortney, Erwin Robinson, Jean Hoerter, Doris George, Edward Diesel.

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on November 30, 2000 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:00 p.m. for Application #2000-033, Mr. James George, 7454 Brewer Rd., Bath, NY 14810, in the matter of a request for a Variance pursuant to Article VI 105-59 of the Zoning Law of the Town of Urbana. Mr. George is seeking relief from the setback requirement to add a moveable 10 ft. by 24 ft. building next to a camping trailer. Property owned by Doris B. George, Valdosta, Georgia.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office. The Affidavit of power of attorney to Mr. George from the property owner, Doris B. George is on file. Also on file is the opinion of the Town of Urbana Planning Board that there is not enough information. The Code Enforcement Officer forwarded a written statement recommending that if the Variance is approved, it be for the one year which was requested by the applicant and that statement is also on file.

The applicant and Board members discussed the application purpose. Mr. George wishes to add a moveable 10' X 24' building next to an existing camping trailer for one year, until a new log home is built.

Chairman Littleton explained to those present the duties and responsibilities of the Zoning Board of Appeals.

After discussion and explanation of the proposed project, Chairman Littleton asked members of the Board if they had further questions for Mr. George.

Questions and comments were heard from members of the public who were present. Mr. Diesel presented a petition signed by seven (7) neighbors supporting Mr. George, and indicating Mr. George has improved the property and neighborhood in the three years he has resided there. That petition was placed on file.

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. Tyler made a motion to approve the minutes of the meeting on August 27, 2000 as submitted. Seconded by Mr. Domras and carried by a unanimous voice vote.

Old Business:

None

New Business:

The application of Mr. George was discussed.

A motion was made by Mr. Bailey, seconded by Mr. Tyler to accept the findings.

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

Motion carried by unanimous vote.

Motion made by Mr. Tyler to grant the Variance with the following stipulations: a.) that the Variance be temporary, for two years, giving the applicant time to construct a dwelling in compliance with the zoning laws; b.) that all of the property and buildings will be in compliance with the zoning laws within two years; c.) that all other laws, including but not limited to waste water laws, must be complied with, and that granting of this Variance does not imply permission to waive any other laws. Motion seconded by Mr. Burg.

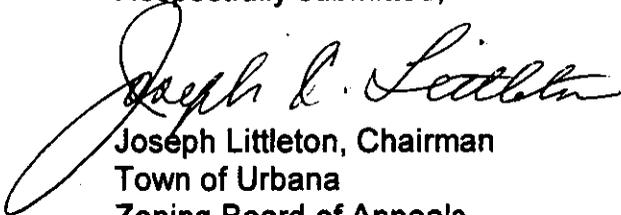
ROLL CALL VOTE:	Edward Tyler,	Aye
	James Bailey,	Aye
	Scott Burg,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	Aye

Motion carried by a unanimous vote.

Town of Urbana Zoning Board of Appeals
November 30, 2000
Page 3

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

Respectfully submitted,


Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

AP:docs/urbana/1130-00Z

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

In the Matter of Application of **James H. George, 7454 Brewer Rd., Bath, NY 14810**, pursuant to Article VI 105-59 of the Zoning Law of the Town of Urbana.

DECISION

The Variance request of **James H. George, 7454 Brewer Rd., Bath, NY 14810**, pursuant to Article VI 105-59 of the Zoning Law of the Town of Urbana is approved, with the following stipulations: a.) that the Variance be temporary, for two (2) years, giving the applicant time to construct a dwelling in compliance with the zoning laws; b.) that all of the property and buildings will be in compliance with the zoning laws within two years; c.) that all other laws, including but not limited to waste water laws, must be complied with, and that granting of this Variance does not imply permission to waive any other laws.

DATED: November 30, 2000

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

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

In the Matter of Application of **James H. George, 7454 Brewer Rd., Bath, NY 14810** ,
pursuant to Article VI 105-59 of the Zoning Law of the Town of Urbana.

FINDINGS

1. Subject property is in a district zoned agricultural.
2. No adverse opinion has been received from the Steuben County Planning agency, the Town of Urbana Planning Board nor any other interested Government agency nor any member of the public.
3. This is a Type II SEQR variance requiring no environmental impact findings by this board. There will be no significant impact on the environment if granted.
4. In granting this variance the following conditions should apply: this grant is temporary, for two (2) years, to allow the applicant to construct a dwelling in compliance with the zoning laws; all of the property and buildings will be in compliance with the zoning laws within two (2) years; all other laws, including but not limited to waste water laws, must be complied with, and the granting of this variance does not imply permission to waive any other laws.
5. At the public hearing several neighbors appeared to support the applicant.
6. No safety or traffic hazard will be created if the variance is granted. Access road is seasonal.

DATED: November 30, 2000

Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS
August 17, 2000

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

Others Present: John F. Spencer, Kenzie Spencer, Steven Groves

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on August 17, 2000 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:00 p.m. for Application #2000-024, Mr. John Spencer, 17 Brown Road, Corning, New York, 14830 in the matter of a request for a Variance pursuant to Section 105.59 of the Town Code. Mr. Spencer is seeking relief from the side yard setback requirement to install a wood burning fireplace that will extend into side yard at 310 West Lake Road, Hammondsport, New York.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

The applicant and Board members discussed the application purpose. Questions from board members: 1.) Is there adequate space between structures for access by emergency personnel and vehicles? 2.) Could the fireplace unit be inside rather than outside, requiring less outside space, staying within the existing overhang?

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 April 27, 2000 after correction in the Decision relative to the approval of application by Michael Evarts, to reflect that the variance is contingent on no additional seating being permitted; seconded by Mr. Burg and carried with a unanimous voice vote.

Old Business:

None

New Business:

The application of Mr. Spencer was discussed, including other possible options for placement of the fireplace. If the applicant constructs within the existing footprint of the structure (including overhang), no variance is required.

A motion was made by Mr. Bailey, seconded by Mr. Tyler to accept the findings.

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

Motion carried by unanimous vote.

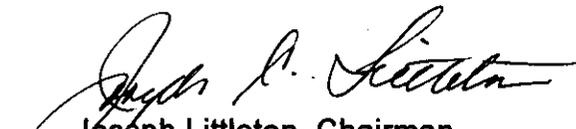
Motion made by Mr. Bailey to grant the Variance with the stipulation that the fireplace unit remain within existing footprint, construction limited to the extent of the roof overhang, but no further. Motion seconded by Mr. Tyler.

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

Motion carried by a unanimous vote.

Motion to adjourn at 8:15 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 John F. Spencer, 17 Brown Rd., Corning, New York, pursuant to Section 105-59 of the Town Code.

DECISION

The Variance request of John F. Spencer, 17 Brown Rd., Corning, New York, pursuant to Section 105-59 of the Town Code is approved, with the stipulation that the fireplace unit remain within existing footprint, construction limited to the extent of the roof overhang, but no further.

DATED: August 17, 2000

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

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

In the Matter of Application of **John F. Spencer, 17 Brown Rd., Corning, New York, ,**
pursuant to Section 105-59 of the Town Code of the Town of Urbana.

FINDINGS

1. Subject property is in a district zoned residential.
2. Subject property is a pre-existing non-conforming use.
3. Strict application of par. 105-59 of the zoning law will not deprive applicant of reasonable use of the property because applicant has used the property as a summer home for 8 years without this variance.
4. The variance requested is a special privilege not enjoyed by other properties in the vicinity in the same zoning district. This house is only 7 feet from the next neighbor's house. No variances have ever been granted to allow such close proximity.
5. Granting of this request for variance will be injurious to adjacent property or to the general public as fire department access is too hazardous.
6. In weighing the benefits to the applicant vs. possible detriment to the health, safety and welfare of the neighborhood and the public in general, the scales favor the public and the neighborhood.
7. An alternate plan is feasible. The desired fireplace can be constructed to fall entirely under the roof overhang. The Board declares that the roof overhang is part of the pre-existing non-conforming use and the applicant is entitled to build on that footprint.

DATED: August 17, 2000

Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS
April 27, 2000

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

Others Present: William C. Hewson, Michael T. Regan, Jill Regan, Michael Evarts

The Zoning Board of Appeals of the Town of Urbana held Public Hearings on April 27, 2000 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:05 p.m. for Application #2000-013, Mr. William C. Hewson, 8020 Back Valley Road, Hammondsport, NY 14840 in the matter of a request for a Variance pursuant to Section 105.26 (A) of the Town Code. Mr. Hewson is seeking relief from the accessory building separation from the principal building located at the above address.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

The applicant and Board members discussed the application purpose. The question arose regarding the law for spacing between buildings if the area were zoned residential, and it was determined the law is the same regardless of the district.

The Public Hearing closed at 7:18 p.m.

Chairman Littleton called the **Public Hearing** to order at 7:19 p.m. for Application #2000-014VAR, Mr. Michael Evarts, P.O. Box 333, Avoca, NY, appearing for property owner Tim Tompkins, 120 Bay Road, Webster, NY (a letter on file authorizing Mr. Evarts to represent Mr. Tompkins in reference to property at 144 W. Lake Road, Hammondsport, NY) in the matter of a request for a Variance pursuant to Section 105.16 (A) 3 (C) 1 (D) of the Town Code. Mr. Evarts is seeking relief from the front yard setback requirement to construct a deck at his business located at 144 West Lake Road, Hammondsport, NY.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

A letter was presented by Mr. & Mrs. Michael T. Regan, neighbors, in objection to granting the variance (copy attached).

The applicant and Board members discussed the application purpose. Mr. Regan commented on septic discharge five (5) years ago, as well as the increased noise level if tables were moved closer to his property to accommodate the construction of a deck.

The Public Hearing closed at 7:51 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:52 p.m.

Mr. Tyler made a motion to approve the minutes of the meeting on March 23, 2000 as submitted; seconded by Mr. Bailey and carried with a unanimous voice vote.

Old Business:

None

New Business:

The application of Mr. Hewson was discussed. There was feeling by some board members that it might be a self-imposed hardship and a variance could not be granted. Other members felt a reasonable use of the property should be considered, in the spirit of the law, allowing the buildings to be separated, rather than connected by a roof.

A motion was made by Mr. Bailey, seconded by Mr. Tyler to accept the findings.

ROLL CALL VOTE:	Edward Tyler,	Aye
	James Bailey,	Aye
	Robert Domras,	No
	Joseph Littleton,	Aye

Motion carried by a three to one vote.

Motion made by Mr. Tyler to grant the Variance. Motion seconded by Mr. Bailey.

ROLL CALL VOTE:	Edward Tyler,	Aye
	James Bailey,	Aye
	Robert Domras,	No
	Joseph Littleton,	Aye

Motion carried by a three to one vote.

The application of Mr. Evarts was discussed. Board members felt it would be advisable to include a provision that no addition seating be approved. Also discussed was the option that if the area were paved, no variance would be necessary.

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

ROLL CALL VOTE:	Edward Tyler,	Aye
	James Bailey,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	No

Motion carried by a three to one vote.

Town of Urbana Zoning Board of Appeals

April 27, 2000

Page 3

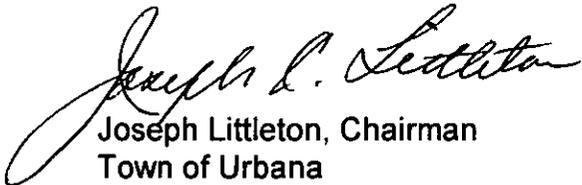
Motion made by Mr. Bailey to grant the Variance. Motion seconded by Mr. Domras.

ROLL CALL VOTE:	Edward Tyler,	Aye
	James Bailey,	Aye
	Robert Domras	Aye
	Joseph Littleton,	No

Motion carried by a three to one vote.

Motion to adjourn at 9:10 p.m. made by Mr. Domras and seconded by Mr. Bailey. Carried by a unanimous voice vote.

Respectfully submitted,

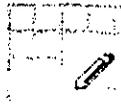


Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

JL:cs

AP:docs/urbana/zone4-27-00Z

Michael T Regan



Michael T Regan
04/20/2000 07:14 AM

To:

cc:

Subject: Public Hearing on 4/27 Regarding Zoning Variance for Snug Harbor Restaurant and Party House

----- Forwarded by Michael T Regan/HDi/Heidelberg on 04/20/2000 07:26 AM -----

Town Clerk: Please share this letter with the Planning Board prior to the meeting on 4/27

I am writing to you regarding our concerns related to this zoning variance request. I have lived next to the property in question for seven years. During this time we have witnessed and reported septic discharges from the restaurant into the spillway that separates our properties flowing directly into the lake. We have pictures of these discharges that I will bring to the meeting on 4/27. We are concerned that any increase in the load on the septic system will produce additional septic discharges into the lake. The purpose of the proposed modifications to the facility is, of course, to increase business even though the seating space is not being expanded.

The second area of concern is for safety. The road that leads to the lower parking area also is used as the exit route for several homeowners that live to the north of the restaurant. During peak periods such as weddings and Jazz nights this road is sometimes blocked by vehicles. If a medical or a fire emergency were to occur the emergency vehicles would not be able to reach these residences. This could lead to a potentially disastrous situation.

Finally the noise from the sound speakers which are placed outside during events can reach a high level during parties. Any increase in business at the restaurant will only aggravate this already difficult situation. At certain times it's not possible to listen to the television in the house with all of the windows closed.

The residents that live near the restaurant have been reluctant to voice their concerns because we are not interested in creating conflict. Previous discussions with past tenants has proven ineffective in addressing any of our concerns. However, the possibility of this variance being granted is causing many of us to reconsider whether we want to make further investment in our property or plan on moving to another area that is more concerned about the rights of private property owners. This would be a bad outcome for the entire area.

Thanks for considering these concerns, and I look forward to the meeting on 4/27.

Best Regards, Michael T. Regan

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

In the Matter of Application of **Michael Evarts, P.O. Box 333, Avoca, NY, 14809**,
pursuant to Section 105-59 and 105-16 (A) 3 (C) 1 (D) of the Town Code.

DECISION

The Variance request of , **Michael Evarts, P.O. Box 333, Avoca, NY, 14809**,
pursuant to Section 105-59 and 105-16 (A) 3 (C) 1 (D) of the Town Code is approved, with
the stipulation that no additional seating is approved.

DATED: April 27, 2000

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

AP:docs/urbana/dec-evar

*Corrected
Decision
(stipulation
added)*

RECEIVED

AUG 18 2000

TOWN OF URBANA

8/17/00

Webble

Signed copy of minutes of
April 27th for file.

Michael ~~Evarts~~ Evarts Decision
will be changed to include
stipulation. I'll bring it
with the minutes of tonight's
meeting.

Carolyn

TOWN OF URBANA ZONING BOARD OF APPEALS
March 23, 2000

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

Others Present: Applicants, Philip Polizzi, Yola Polizzi

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on March 23, 2000 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:00 p.m. for Application #2000-012, Mr. Philip Polizzi, 8525 Vogt Road, Hammondsport, NY 14840 in the matter of a request for a Variance pursuant to Section 105-15 C (1) (A) of the Town Code. Mr. Polizzi is seeking relief from front yard setback requirement to construct a 12' X 15' addition to his home located at the above address.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Chairman Littleton explained that all members of the Zoning Board of Appeals visited and inspected the site.

The applicant and Board members discussed the application purpose. No questions were asked by Board or applicant.

The Public Hearing closed at 7:06 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:10 p.m.

Mr. Burg made a motion to approve the minutes of the meeting on March 9, 2000; seconded by Mr. Tyler and carried with a unanimous voice vote.

Old Business:

The Board discussed the application to attend the 4th Annual Southern Tier Central Regional Leadership Conference, and completing the application.

New Business:

The application of Mr. Philip Polizzi was discussed. It was noted the construction is more than 50 feet from the center of Vogt Road. A question arose regarding the extension, and it was determined an extension will result in the same setback.

A motion was made by Mr. Domras, seconded by Mr. Burg to accept the findings.

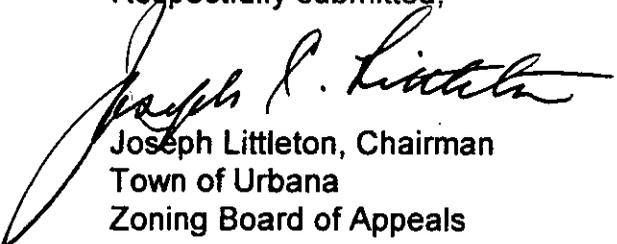
ROLL CALL VOTE:	Scott Burg,	Aye
	Edward Tyler,	Aye
	James Bailey,	Aye
	Robert Domras,	Aye
	Joseph Littleton,	Aye

Motion made by Mr. Burg to grant the Variance. Motion seconded by Mr. Tyler.

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

Motion to adjourn at 7:25 p.m. made by Mr. Burg and seconded by Mr. Domras. 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 **Philip Polizzi, 8525 Vogt Rd., Hammondsport, NY 14840**,
pursuant to Section 105-15 C (1) (A) of the Town Code of the Town of Urbana.

FINDINGS

1. This is a Type II SEQR action requiring no environmental impact findings by this board. No SEQR finding is required.
2. No adverse opinion has been received from any interested government agency, the Town of Urbana Planning Board, nor any member of the public.
3. The subject property is in a district zoned agricultural.
4. The front yard setback is a pre-existing non-conforming use.
5. The character of the immediate neighborhood and other nearby properties is wild, undeveloped land.
6. No adverse comments were received at the public hearing.
7. Extension of the dwelling is a reasonable use of the property. A setback variance is required for reasonable use and does not constitute special privilege.
8. The variance requested is the minimum variance which will allow reasonable use of the property.
9. Strict application of the provisions of Chapter 105 - 15 (C) (a) would deprive the applicant of reasonable use of this property.
10. It is not practical for the applicant to meet the strict letter of par. 105-15 Sec C par. (a) of the law because the dwelling is pre-existing with a front yard only 45 feet in depth. The extension will result in the same, or slightly more setback.
11. The Board finds that no reasonable alternative plan, which might not require a variance, is feasible because the dwelling location is fixed.
12. Granting of this variance is in harmony with the general purpose and intent of the Zoning Regulation of the Town of Urbana. It will not be injurious to other properties in the vicinity nor detrimental to the public welfare. In weighing benefits to the applicant vs. any possible detriment to the health, safety, or welfare of the neighborhood and the public in general, the scales favor the applicant in large degree.

Findings (cont'd)

13. There is no alternate location on the lot which would require less variance.
14. Any negative impact of the variance on neighbors or the public is small relative to the benefit to the owner.
15. Adherence to the requirements of the zoning law as to setback would be a hardship to the owner. The hardship is not self-created, the dwelling location is pre-existing.
16. The proposed construction is more than 50 feet from the center of Vogt Road.
17. No safety or traffic hazard will be created.

DATED: March 23, 2000

**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 Philip Polizzi, 8525 Vogt Road, Hammondsport, NY 14840, pursuant to Section 105-15 C (1) (A) of the Town Code.

DECISION

The Variance request of Philip Polizzi, 8525 Vogt Road, Hammondsport, NY 14840, pursuant to Section 105-15 C (1) (A) of the Town Code is approved.

DATED: March 23, 2000

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS
March 9, 2000

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

Others Present: Mr. Mark Wright, Representative for Applicant, Paul Olynk

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on March 9, 2000 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:08 p.m. for Application #2000-007, Mr. Paul Olynk, P.O. Box 238, Green Vail, NY 11548 in the matter of a request for a Variance pursuant to Section 105-16 C (1) part B of the Zoning Law of the Town of Urbana. Mr. Olynk is seeking relief from side yard depth to add a 5' X 7' addition to an existing bathroom to property located at 136 West Lake Road, Hammondsport, NY 14840.

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

A letter is on file in the Town Clerk's Office from Mr. Olynk, authorizing Mr. Mark Wright to represent him at the Public Hearing (copy attached). Mr. Wright was present at the meeting, and explained the proposed project to the Board.

It was noted that Form 239M has not been received from Steuben County.

No objections were voiced at the Public Hearing.

The Town of Urbana Planning Board chose not to enter any formal opinion in this matter (copy attached).

The Public Hearing closed at 7:17 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:18 p.m.

Mr. Bailey made a motion to approve the minutes of the meeting on February 17, 2000; seconded by Mr. Burg and carried with a unanimous voice vote.

Old Business - None

Town of Urbana Zoning Board of Appeals

March 9, 2000

Page 2

New Business:

The application of Mr. Paul Olynk was discussed.

A motion was made by Mr. Domras, seconded by Mr. Burg to accept the findings.

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

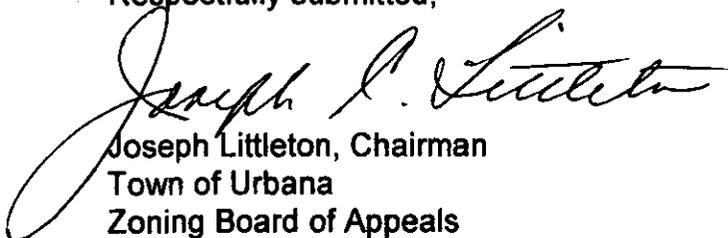
Motion made by Mr. Bailey to grant the Variance with the following qualification: Due to administrative problems, Form 239M has not been received from Steuben County. The Board has elected to proceed with discussion and decision on the Variance, in anticipation of a waiver by the Steuben County Planning Board and receipt of Form 239M. Motion seconded by Mr. Domras.

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

The Board discussed attendance on April 6, 2000 at the 4th Annual Southern Tier Central Regional Leadership Conference at Corning Community College. It was determined that at least three members plan to attend.

Motion to adjourn at 7:41 p.m. made by Mr. Burg and seconded by Mr. Bailey. Carried by a unanimous voice vote.

Respectfully submitted,


Joseph Littleton, Chairman
Town of Urbana
Zoning Board of Appeals

Date: 3-9-00

To: The Town of Urbana Zoning Board of Appeals

From: The Town of Urbana Planning Board

X Re: The application for a Variance/Special Use Permit:
File No. 2000-07

Applicants Name Olynk, Paul
Public Hearing Date 3/9/00 7:00 PM

The Town of Urbana Planning Board wishes to submit, for your records, the following opinion in this matter:

The Planning Board chooses not to enter any formal opinion in this matter.

The Planning Board wishes to submit a favorable opinion in this matter.

The Planning Board wishes to submit a favorable opinion in this matter, however we request that you consider the following while making your findings:

The Planning Board is of the opinion that this application should be denied for the following reasons:

Respectfully Submitted,

Robert Magee, Chairman, Town of Urbana Planning Board
Betty Fitzpatrick, Member
John Jensen, Member
Jim Presley, Member
Randy Robinson, Member

2/10/00

TO : TOWN OF URBANA

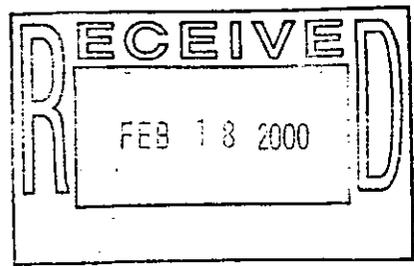
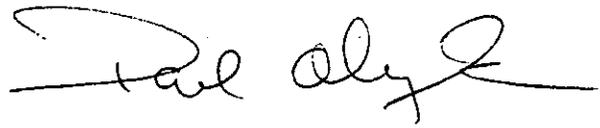
TO WHOM IT MAY CONCERN :

MR MARK WRIGHT HAS MY PERMISSION TO REPRESENT ME, IN MY ABSENCE, IN SECURING THE PROPER PERMITS, VARIANCE ETC, TO COMPLETE PAPERWORK AND ACT IN MY BEHALF. I RESIDE AND OWN THE PROPERTY AT 136 W. LAKE RD

Hammondspoint NJ

THANK YOU

PAUL J. OLYNK



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

In the Matter of Application of **Paul Olynk, P.O. Box 238, Green Vail, NY 11548**,
pursuant to Section 105-16 C (1) B of the Zoning Law of the Town of Urbana.

FINDINGS

1. This is a Type II SEQR action requiring no environmental impact findings by this board. No SEQR finding is required.
2. No adverse opinion has been received from any interested government agency, the Town of Urbana Planning Board, nor any member of the public.
3. The subject property is in a district zoned residential.
4. No adverse comments were received at the public hearing.
5. The proposed construction, repair and enlargement of the bathroom, is a reasonable use of the property. It is the minimum variance required for reasonable use and does not constitute special privilege.
6. The Board finds that no reasonable alternative plan, which might not require a variance, is feasible because the location of the bathroom is already determined by the pre-existing use.
7. Granting of this variance is in harmony with the general purpose and intent of the Zoning Regulation of the Town of Urbana. It will not be injurious to other properties in the vicinity nor detrimental to the public welfare. In weighing benefits to the applicant vs. any possible detriment to the health, safety, or welfare of the neighborhood and the public in general, the scales favor the applicant in large degree.
8. The proposed use is not detrimental to the public interest.
9. There is no alternate location on the lot which would require less variance.
10. Any negative impact of the variance on neighbors or the public is small relative to the benefit to the owner.
11. It is not practical for the applicant to meet the strict letter of par. 16 C (1) b of the law because the property is a pre-existing, non-conforming use. The existing bathroom does not meet Chap. 105 par. 16 C (1) b. The proposed construction will have less setback variance than the pre-existing structure.

Findings (continued)

12. Unnecessary hardship will result if the owner is required to meet the strict letter of the law because it will deprive him use of a modern bathroom.
13. No safety or traffic hazard will be created.

DATED: March 9, 2000

Joseph Littleton, Chairman
TOWN OF URBANA
ZONING BOARD OF APPEALS

AP:docs/urbana/findo1yn

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

In the Matter of Application of Paul Olynk, P.O. Box 238, Green Vail, NY 11548, pursuant to Section 105-16 C (1) part B of the Zoning Law of the Town of Urbana, Local Law #1 of 1988.

DECISION

The Variance request of Paul Olynk, P.O. Box 238, Green Vail, NY 11548, pursuant to Section 105-16 C (1) part B of the Zoning Law of the Town of Urbana is approved with the following qualification: Due to administrative problems, Form 239M has not been received from Steuben County. The Board has elected to proceed with discussion and decision on the Variance, in anticipation of a waiver by the Steuben County Planning Board and receipt of Form 239M.

DATED: March 9, 2000

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS

TOWN OF URBANA ZONING BOARD OF APPEALS
February 17, 2000

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

Others Present: Mr. & Mrs. Ivan Cranmer, Applicants

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on February 17, 2000 at 7:00 p.m. in the Town Hall.

Chairman Littleton called the **Public Hearing** to order at 7:05 p.m. for Application #2000-003VAR, Mr. Ivan B. Cranmer, 46 Maple St., Savona, NY 14879 in the matter of a request for a Variance pursuant to Section 105-16 C (1) part B of the Zoning Law of the Town of Urbana, Local Law #1 of 1988. Mr. Cranmer is seeking relief from side yard depth to remove and rebuild existing bathroom and add 10' for a bedroom, to property located at 368 East Lake Road, Hammondsport, NY 14840.

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

No objections were voiced at the Public Hearing.

Discussion ensued, with Mr. Cranmer explaining his project to the Board. It was noted this is a pre-existing, non-conforming lot. Also noted that the Planning Board chose not to enter an opinion, but stating there was no exceptional hardship noted on the application. The Zoning Board of Appeals noted that a variance on lot coverage is also required, due to the percentage of total square footage covered by the existing building. Based on information submitted, the lot coverage is approximately 26%. The property is used as a seasonal dwelling.

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

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

Mr. Tyler made a motion to approve the minutes of the meeting on September 23, 1999; seconded by Mr. Bailey and carried with a unanimous voice vote.

Old Business - None

Town of Urbana Zoning Board of Appeals

September 23, 1998

Page 2

New Business:

The application of Mr. Ivan Cranmer was discussed.

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

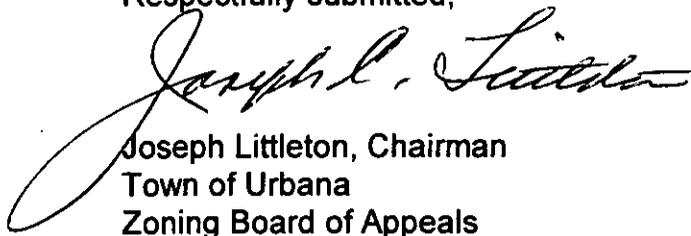
ROLL CALL VOTE:	Scott Burg,	Aye
	Edward Tyler,	Aye
	James Bailey,	Aye
	Joseph Littleton,	Aye

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
	Joseph Littleton,	Aye

Motion to adjourn at 8:25 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 **Ivan B. Cranmer, 46 Maple St., Savona, NY 14879**,
pursuant to Section 105-16 C part B of the Zoning Law of the Town of Urbana.

FINDINGS

1. No SEQR finding is required. This is a Type II variance. There will be no significant impact on the environment if granted.
2. The variance is requested to allow reasonable use of the property. Use of this property for a seasonal dwelling is reasonable. Strict application of the provisions of Chapter 105 par. 16 C (1) (b) would deprive applicant of reasonable use of this property. The pre-existing, non-conforming part of the building is of substandard construction. Reasonable use requires that it be replaced. Other properties in the general area, where there are many narrow lots, have similar problems.
3. It is not practical for the applicant to meet the strict letter of par. 16 C (1) (b) of the law because of the narrow, steep lot.
4. The Board finds that no reasonable alternative plan, which might not require a variance, is feasible because of the small lot, placement of the septic tank, and consideration of neighbors' view.
5. The variance requested is the minimum variance which will allow reasonable use.
6. Granting of this variance is in harmony with the general purpose and intent of the Zoning Regulation of the Town of Urbana. It will not be injurious to other properties in the vicinity nor detrimental to the public welfare. In weighing benefits to the applicant vs. any possible detriment to the health, safety, or welfare of the neighborhood and the public in general, the scales favor the applicant in large degree.
7. Granting of this variance will bestow no special privilege inconsistent with limitations imposed on other properties in the vicinity and in the zoning district. Indeed, the new construction will improve the property and thereby the neighborhood in general.
8. The Cranmer property is a pre-existing, non-conforming use. The proposed addition will perpetuate and extend the pre-existing situation.

Findings (continued)

9. No objections have been filed by any neighbor, county planning board or member of the public or any other agency or member of the public except as below.

The Planning Board of the Town of Urbana chose not to enter an opinion but requested that the Zoning Board of Appeals investigate lot coverage. Technically the new construction is slightly over the area allowed, but is so close, and so similar to nearby properties that the Board feels that it meets the spirit of the law.

DATED: February 17, 2000

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 **Ivan B. Cranmer, 46 Maple St., Savona, NY 14879**
pursuant to Section 105-16 C part B of the Zoning Law of the Town of Urbana, Local Law
#1 of 1988.

DECISION

The Variance request of **Ivan B. Cranmer, 46 Maple St., Savona, NY 14879**
pursuant to Section 105-16 C part B of the Zoning Law of the Town of Urbana is approved
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.

DATED: February 17, 2000

Joseph Littleton
TOWN OF URBANA
ZONING BOARD OF APPEALS