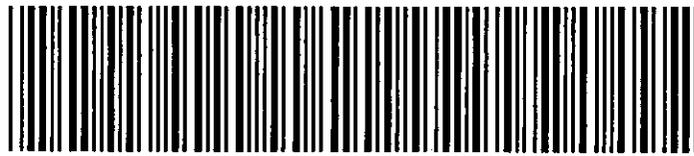


# Zoning Board



2002



**TOWN OF URBANA ZONING BOARD OF APPEALS**  
**November 21, 2002**

**Present:** Scott Burg, Member  
Robert Domras  
Jerauld Holcombe  
Peggy Soles, Recording Secretary

**Others Present:** William Havens, Travis Barry

**Absent:** Chairman Joseph Littleton, Member James Bailey

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on Nov 21, 2002 at 7:00 P.M. in the Town Hall.**

Board member Mr. Burg called the **Public Hearing** to order at 7:02 p.m. for Application #2002-018, William Havens, 361 East Lake Rd., Hammondsport, New York 14821 has applied for a Variance pursuant to Section 105-59 and Article III Area and Set back requirement of the Town Code. Mr. Havens is seeking relief from the front yard set back requirement to construct a 12' x 20' addition to existing shed with carport on his property located at 361 East Lake Road, Hammondsport, New York.

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

Mr. Burg declared quorum is present.

No opinion from the Town of Urbana Planning Board

Survey was read into record and is on file.

Representative for neighbor appeared to oppose the variance.

No negative opinion from the County or any other government agency was received.

Board member Mr. Burg explained to those present the duties and responsibilities of the Zoning Board of Appeals.

The applicant and Board members discussed the application purpose. Mr. Havens explained the proposed project to the Board members and responded to their questions. Board member Mr. Burg asked Board members and others present if there were additional questions.

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

Board Member Scott Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:15 p.m.

Old Business:

None

New Business:

The application of Mr. Havens was discussed (#2002-018) in great length. This request meets the requirements for the shoreline, therefore a variance is not needed. Mr. Burg recommended a variance was not needed for this request and recommended that Mr. Havens follow the guidelines that the building inspector sets.

Motion seconded by Mr. Domras

ROLL CALL VOTE:

Scott Burg	Aye
Robert Domras	Aye
Jerauld Holcombe	Aye

Motion carried by unanimous vote.

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

ROLL CALL VOTE:

Scott Burg,	Aye
Robert Domras,	Aye
Jerauld Holcombe	Aye

Motion carried by unanimous vote.

Motion to adjourn at 7:45 p.m. made by Mr. Domras and seconded by Mr. Holcombe.

Carried by a unanimous voice vote.

Respectfully submitted,

Mr. Scott Burg, Board member  
Town of Urbana  
Zoning Board of Appeals

**TOWN OF URBANA ZONING BOARD OF APPEALS**  
**November 14, 2002**

**Present:** Scott Burg, Member  
Robert Domras  
Jerauld Holcombe  
Peggy Soles, Recording Secretary

**Others Present:** Richard Thompson, Denice Thompson, Mark Wright, Charles Ward, Bonnie Ward, Debbie Pierce

**Absent:** Chairman Joseph Littleton, Member James Bailey

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on November 14, 2002 at 7:00 P.M. in the Town Hall.**

Board member Mr. Domras called the **Public Hearing** to order at 7:05 p.m. for Application #2002-010, Richard Thompson, 4741 Clawson Drive, Campbell, New York 14821 has applied for a Variance pursuant to Section 105-59 and Article III Set back requirement of the Town Code. Mr. Thompson is seeking relief from the side yard set back to construct a shed along property line on his property located at 443 ½ East Lake Road, Hammondsport, New York.

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

Mr. Domras declared quorum is present.

Opinion from the Town of Urbana Planning Board recommending the application be denied is on file and was read into the record.

Letters from neighbors were read into record and are on file.

Neighbors were present in favor of the variance.

No negative opinion from the County or any other government agency was received.

Board member Mr. Domras explained to those present the duties and responsibilities of the Zoning Board of Appeals.

The applicant and Board members discussed the application purpose. Mr. Thompson explained the proposed project to include pictures of area for variance to the Board members and responded to their questions. Board member Mr. Burg asked Board members and others present if there were additional comments or questions.

Neighbor Charles Ward residing at 439 East Lake Rd., spoke of his approval for the variance.

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

Board member Mr. Domras called the **Public Hearing** to order at 7:25 p.m. for Application #2002-016, Ed and Delia Stull, 137 West Lake Road, Hammondsport, New York, represented by contractor Mark Wright of 7523 CR77, Prattsburg, New York 14873 have applied for a Variance pursuant to Section 105-59 Area Variance for Section 105-16 C (b) side yard set back, Section 105-16 C (d) (2) rear yard set back, and 105-16 C (2) lot coverage of the Town Code to construct a 14' x 24' addition to existing garage on his property located at 137 West Lake Road, Hammondsport, New York.

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

No opinion from the Town of Urbana Planning Board.

Letter from the Stulls of Mark Wright representing them was read into record and is on file.

No negative opinion from the County or any other government agency was received.

Board member Mr. Domras explained to those present the duties and responsibilities of the Zoning Board of Appeals.

The applicant and Board members discussed the application purpose. Mr. Wright explained the proposed project to the Board members and responded to their questions. Mr. Domras asked Board members and others present if there were additional questions.

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

Board member Domras called the **Public Hearing** to order at 7:30 p.m. for application # 2002-020, Paul Olynk, PO Box 238, Greenvale, New York 11548, represented by Mark Wright has applied for a variance pursuant to Section 105-16 © side yard setback and Section 105--16 (C) lot coverage to construct a 8½' x 8' storage shed on his property at 136 West Lake Road, Hammondsport, New York.

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

No opinion from the Town of Urbana Planning Board.

No negative opinion from the County or any other government agency was received.

The applicant and Board members discussed the application purpose. Mr. Wright explained the proposed project to the Board members and responded to their questions. Board member Mr. Domras asked Board members and others present if there were additional comments or questions.

The Public Hearing closed at 7:40 p.m.

Board member Domras opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:40 p.m.

Mr. Domras made a motion to approve the minutes of the meeting on May 9, 2002 as submitted. Seconded by Mr. Holcombe and carried by a unanimous voice vote.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerauld Holcombe	Aye

Motion carried by unanimous vote.

Old Business:

None

New Business:

The application of Mr. Thompson (#2002-010) was discussed in great length. Mr. Holcombe made a motion to approve the variance to include that as a condition of the variance, minimize the size of shed to a 12' wide x 10' deep structure.

Motion seconded by Mr. Burg.

A motion was made by Mr. Holcombe and seconded by Mr. Burg to accept the findings.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerauld Holcombe	Aye

Motion carried by unanimous vote.

The application of The Stulls was discussed (#2002-016). Mr. Holcombe recommended a motion to approve the variance to include that as a condition of the variance, minimize the rear yard line setback as stated.

Motion seconded by Mr. Domras.

A motion was made by Mr. Burg and seconded by Mr. Holcombe to accept the findings.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerauld Holcombe	Aye

Motion made by Mr. Burg to grant the Variance with the following stipulation: a.) Setback minimum will be 20 feet from the rear lot line; b.) Setback minimum of 7' from the side lot line.

ROLL CALL VOTE:

Scott Burg	Aye
Robert Domras	Aye
Jerauld Holcombe	Aye

Motion carried by unanimous vote.

The application of Paul Olynk was discussed (#2002-020). Mr. Burg recommended Mr. Olynk re-apply for a zoning permit to comply with building regulations, therefore request for variance would be withdrawn.

Seconded by Mr. Domras.

ROLL CALL VOTE:

Scott Burg,	Aye
Robert Domras,	Aye
Jerauld Holcombe	Aye

Motion carried by unanimous vote.

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

Respectfully submitted,



Scott Burg, Board member  
Town of Urbana  
Zoning Board of Appeals

JL:ps

MW: docs/urbana/4-25-02

ZONING BOARD OF APPEALS  
**AREA VARIANCE FINDINGS & DECISION**

Applicant: **Ed & Delia Stull**  
**137 West Lake Rd.**  
**Hammondsport, NY**  
**14840**

Variance No: **2002-016**  
Zoning District: **Keuka Lake Shoreline**  
Published Notice on: **Nov. 1, 2002**  
Notice to County Sent on: \_\_\_\_\_  
Hearing Held on: **Nov. 14, 2002**

Property Location: **137 West Lake Rd., Hammondsport, NY**  
Requirement for which Variance is Requested: **Lot coverage**  
Applicable Section of Town Zoning Code: **105-16 (C)(2).**

Findings:

**FACTORS CONSIDERED:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_ No **X**

Reasons: **Building type and use is in character with surrounding properties.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes \_\_\_ No **X**

Reasons: **Addition size is minimum necessary for benefit sought.**

3. Whether the requested variance is substantial: Yes \_\_\_ No **X**

Reasons: **Increase in lot coverage is minimal.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes \_\_\_ No **X**

Reasons: **Septic will adequately service this use.**

5. Whether the alleged difficulty was self-created: Yes \_\_\_ No **X**

Reasons: **Existing non-conforming, steep, irregularly sized lot makes sighting of buildings difficult.**

6. Subject property is in a district zoned: **Keuka shoreline.**

**DETERMINATION OF ZBA BASED ON ABOVE FACTORS:**

The ZBA, after taking into consideration the above factors, finds that:

\_\_\_ the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community.

X the benefit to the Applicant DOES outweigh the detriment to the Neighborhood or Community.

Reasons: **Granting of the variance does not have any adverse effect on surrounding structures or the character of the neighborhood.**

DECISION

The ZBA further finds that a variance of lot coverage and setback of 7' from section 105-16-C-2 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

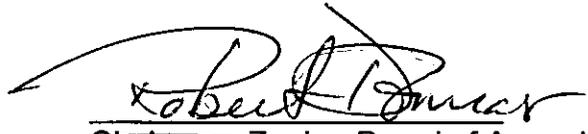
**This will allow reasonable use of the property.**

CONDITIONS: The ZBA finds the the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1 **Addition to garage to be setback a minimum of 20' from rear lot line.**  
Adverse impact to be minimized: **Rear yard setback.**

Condition No. 2 **Addition to be minimum of 7' from side lot line.**  
Adverse impact to be minimized: **Side yard setback.**

Condition No.3 **Addition will conform to all other codes and regulations.**

  
Robert Domras  
~~Chairman~~, Zoning Board of Appeals

12/5/02  
Date

**RECORD OF VOTE**

MEMBER NAME	Findings		Decisions and Conditions	
	Aye	Nay	Aye	Nay
Chair	Absent	___	___	___
Member	Robert Domras	X	___	X
Member	Scott Burg	X	___	X
Member	Jerauld Holcombe	X	___	X
Member	_____	___	___	___

ZONING BOARD OF APPEALS  
**AREA VARIANCE FINDINGS & DECISION**

Applicant: **Richard Thompson**  
**4741 Clawson Dr.**  
**Campbell, NY**  
**14840**

Variance No: **2002-010**  
Zoning District: **Keuka Lake Shoreline**  
Published Notice on: **Nov. 1, 2002**  
Notice to County Sent on: \_\_\_\_\_  
Hearing Held on: **Nov. 14, 2002**

Property Location: **443½ East Lake Rd., Hammondsport, NY**  
Requirement for which Variance is Requested: **Setback Requirement**  
Applicable Section of Town Zoning Code: **105-59 and Article III**

Findings:

**FACTORS CONSIDERED:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes\_\_ No **X**

**Reasons: Neighboring lots are small with many containing structures similar to requested structure.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes\_\_ No **X**

**Reasons: Lot width is less than 16'. Any structure will be in non-compliance with setbacks.**

3. Whether the requested variance is substantial: Yes\_\_ No **X**

**Reasons: Requested variance is minimum necessary for reasonable use.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes\_\_ No **X**

**Reasons: The requested structure is not materially different from those on nearby properties.**

5. Whether the alleged difficulty was self-created: Yes\_\_ No **X**

**Reasons: This is a pre-existing non-conforming lot.**

6. Subject property is in a district zoned: **Keuka shoreline**

7. Town of Urbana Planning Board recommended denying this variance, however reason #3 in the Opinion to ZBA, is not applicable as the tank and pump are for the water systems.

- 8. Strict application of the provisions of Chapter 105 par. 16 (C) (1) (B) would deprive applicant of reasonable use of this property and/or privileges enjoyed by other properties in the same zoning district in the vicinity.
- 9. It is not practical for the applicant to meet the strict letter of par. 16 (C) (1) (B) because: **Existing non-conforming lot is extremely small.**

**DETERMINATION OF ZBA BASED ON ABOVE FACTORS:**

The ZBA, after taking into consideration the above factors, finds that:

     the Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community.

the benefit to the Applicant DOES outweigh the detriment to the Neighborhood or Community.

Reasons:

**DECISION**

The ZBA further finds that a variance of increasing building width to 12' and depth of 10' from section 105-16 (C) (1) (B) of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

**This will allow applicant reasonable use of the property and is in keeping with neighboring properties.**

CONDITIONS: The ZBA finds the the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1:  
Adverse impact to be minimized:

Condition No. 2:  
Adverse impact to be minimized:

  
~~Chairman~~, Zoning Board of Appeals

12/5/02  
Date

**RECORD OF VOTE**

MEMBER NAME	Findings		Decisions and Conditions	
	Aye	Nay	Aye	Nay
Chair	Absent	___	___	___
Member	Robert Domras	X	X	___
Member	Scott Burg	X	X	___
Member	Jerauld Holcombe	X	X	___
Member	_____	___	___	___

ZONING BOARD OF APPEALS  
AREA VARIANCE FINDINGS & DECISION

Applicant: ED & DELIA STULL

Variance No: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Published Notice on: \_\_\_\_\_

Notice to County Sent on: \_\_\_\_\_

Hearing Held On: \_\_\_\_\_

Property Location: 137 W. LAKE RD - H-PORT

Requirement for which Variance is Requested: \_\_\_\_\_

LOT COVERAGE

Applicable Section of Town Zoning Code: 105-16 (C)(2)

FINDINGS:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_ No

Reasons: Building type and use is in character with surrounding properties.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes \_\_\_ No

Reasons: Addition size is minimum necessary for benefit sought.

3. Whether the requested variance is substantial: Yes \_\_\_ No

Reasons: Increase in lot coverage is minimal

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes \_\_\_ No

Reasons: Septic system will adequately service this use.  
~~Building type and use is in character with the surrounding properties.~~

5. Whether the alleged difficulty was self-created: Yes \_\_\_ No

Reasons: Existing non-conforming, steep, irregularly sized lot makes siting of buildings difficult.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above ~~facts~~ factors, finds that:

- the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: Granting of variance does not have any adverse effect on surrounding structures or the character of the neighborhood.

DECISION

The ZBA further finds that a variance of lot coverage and setback of 7' from Section 105-16-0-2 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

This will allow reasonable use of the property.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: Addition to garage to be set back a minimum of 20' from ~~front~~ lot line.

Adverse impact to be minimized:

Rear ~~set~~ yard setback

Condition No. 2: Addition to be a minimum of 7' <sup>(circled)</sup> from side lot line.

Adverse impact to be minimized:

Side yard setback

Condition No. 3: Addition will ~~not~~ conform to all ~~state~~ other codes & regulation.

Chairman, Zoning Board of Appeals

Date

RECORD OF VOTE

MEMBER NAME	FINDINGS		DECISION AND CONDITIONS	
	AYE	NAY	AYE	NAY
Chair	_____	_____	_____	_____
Member	_____	_____	_____	_____
Member	_____	_____	_____	_____
Member	_____	_____	_____	_____
Member	_____	_____	_____	_____

**ZONING BOARD OF APPEALS**  
**AREA VARIANCE FINDINGS & DECISION**

Applicant: Richard Thompson

Variance No: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Published Notice on: \_\_\_\_\_

Notice to County Sent on: \_\_\_\_\_

Hearing Held On: \_\_\_\_\_

Property Location: \_\_\_\_\_

Requirement for which Variance is Requested: \_\_\_\_\_

Applicable Section of Town Zoning Code: \_\_\_\_\_

**FINDINGS:**  
**FACTORS CONSIDERED:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_ No

Reasons: Neighboring lots are small w/ many containing structures similar to requested structure

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes \_\_\_ No

Reasons: Lot width is less than 16'. Any structure will be in non-compliance with setbacks

3. Whether the requested variance is substantial: Yes \_\_\_ No

Reasons: Requested variance in minimum necessary for reasonable use

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes \_\_\_ No

Reasons: The requested structure is not materially different from those on nearby properties

5. Whether the alleged difficulty was self-created: Yes \_\_\_ No

Reasons: This is a pre-existing non-conforming lot.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above ~~five~~ factors, finds that:

- the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

**DECISION**  
 The ZBA further finds that a variance of to 12' *increasing building width* from Section 105-16(c)(1)(B) of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:  
*this will allow applicant reasonable use of the property and is in keeping with neighboring properties*

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: \_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_  
\_\_\_\_\_

Condition No. 2: \_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Chairman, Zoning Board of Appeals Date

**RECORD OF VOTE**

MEMBER NAME	FINDINGS		DECISION AND CONDITIONS	
	AYE	NAY	AYE	NAY
Chair	_____	_____	_____	_____
Member	_____	_____	_____	_____
Member	_____	_____	_____	_____
Member	_____	_____	_____	_____
Member	_____	_____	_____	_____

Thompson

ZONING BOARD OF APPEALS

Town, of Urbana, New York

Typical Findings to GRANT a Variance:

1. Subject property is in a district zoned Kenka shoreline

~~2. Subject property is a pre-existing non-conforming use~~

~~3. 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.~~

~~4. No adverse comments were received at the public hearing~~  
*Town of Urbana Planning Board recommended denying this variance. However reason #3 is not applicable as the tank & pump are for the water system*

5. 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.

~~6. The variance is requested to allow reasonable use of the property. The request is, reasonable because~~

~~7. The variance requested is the minimum variance which will allow reasonable use of the property.~~

~~8. Strict application of the provisions of Chapter 105 par. 16(c)(1)(B) would deprive applicant of reasonable use of this property and/or privileges enjoyed by other properties in the same zoning district in the vicinity.~~

9. It is not practical for the applicant to meet the strict letter of par. 16(c)(1)(B) because: existing non-conforming lot is extremely small.

~~10. The board finds that no reasonable alternative plan, which might not require a variance, is feasible because~~

~~11. Unnecessary hardship will result if the owner is required to meet the strict letter of the law because~~

~~12. The hardship is not self-created.~~

**ZONING BOARD OF APPEALS**  
**Town, of Urbana, New York**

13. In granting this variance the following conditions should apply:

---

---

The variance requested (subject to these conditions) is the minimum variance which will allow reasonable use.

14. Granting of this variance is in harmony with the general purpose and intent of the Zoning Regulations of the Town of Urbana. It will not be materially 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.

15. Granting of this variance (with the conditions described above if there are any), will bestow no special privilege inconsistent with limitations imposed on other properties in the vicinity and in the zoning district.

(or)

The variance requested is not materially different from conditions in nearby properties.

16. The proposed (variance) (sign) is not aesthetically displeasing and will not alter the essential character of the neighborhood.

17. This board may or may not have jurisdiction in regard to variances from Chapter 88 of the Town Law. All findings and decision recognize that fact.

18. At the public hearing (a) (several) neighbor(s) appeared to support the applicant.

19. No variance is required for setback from the sea-wall high-water mark.

20. No safety or traffic hazard will be created if the variance is granted.

**TOWN OF URBANA ZONING BOARD OF APPEALS**  
**May 9, 2002**

Present: Joseph Littleton, Chairman  
James Bailey, Member  
Scott Burg, Member  
Robert Domras, Member  
Jerauld Holcombe  
Peggy Soles, Recording Secretary

Others Present: Thomas Tomsa Jr.

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on May 9, 2002 at 7:00 p.m. in the Town Hall.**

Chairman Littleton called the **Public Hearing** to order at 7:15 p.m. regarding Application #2002-005, Thomas Tomsa, 201 West Lake Road, Hammondsport, New York, in the matter of a request for an area Variance pursuant to Section 105-59, Article III Keuka Lake Shore Line set back requirement of the Town Code. Mr. Tomsa is seeking relief from the shore line set back to construct a 16x24 two story workshop addition to existing residence at the above address.

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

Mr. Littleton declared quorum is present.

No opinion from the Town of Urbana Planning Board - ZBA opinion was submitted but unavailable for the meeting.

No neighbors or citizens appeared to oppose the area Variance.

No opinion from the County or any other government agency was received.

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

The applicant and Board members discussed the application purpose. Mr. Tomsa explained the proposed project to the Board members and responded to their questions. Chairman Littleton asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:37 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:37 p.m.

Mr. Bailey made a motion to approve the minutes of the meeting on April 25, 2002 as submitted. Seconded by Mr. Burg and carried by a unanimous voice vote.

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

Old Business:  
None

New Business:

Letters to neighbors are on file.

The application (#2002-005) of Mr. Tomsa was discussed extensively. Mr. Burg made a motion to approve the variance.

Motion seconded by Mr. Domras.

ROLL CALL VOTE:	James bailey, Aye	
	Scott Burg,	Aye
	Robert Domras,	Aye
	Jerauld Holcombe,	Aye
	Joseph Littleton,	Aye

Motion carried by unanimous vote.

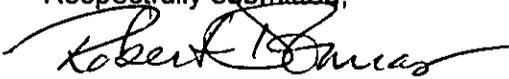
A motion was made by Mr. Domras, seconded by Mr. Bailey to accept the findings.

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

Motion carried by unanimous vote.

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

Respectfully submitted,



Joseph Littleton, Chairman  
Town of Urbana  
Zoning Board of Appeals

JL:ps  
MW: docs/urbana/4-25-02

ZONING BOARD OF APPEALS  
AREA VARIANCE FINDINGS & DECISION

Applicant: Thomas Tomsa  
201 West Lake Road  
Hammondsport, NY

Variance No: 2002-005  
Zoning District: Agriculture  
Published Notice on: 4/26/02  
Notice to County Sent on: 4/16/02  
Hearing Held On: 5/9/02

Property Location: 201 West Lake Road, Hammondsport, NY  
Requirement for which Variance is Requested: Relief of a Keuka Lake Shore Line set back.  
Applicable Section of Town Zoning Code: 105-59, Article III

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_ No X

Reasons: There are many narrow non-conforming lots in the area.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes X No \_\_\_

Reasons: Applicant has agreed to modify plans to a minimum setback of 6 feet.

3. Whether the requested variance is substantial: Yes \_\_\_ No X

Reasons: As modified to a 6 foot setback, the Variance is minimal.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes \_\_\_ No X

Reasons: No significant change.

5. Whether the alleged difficulty was self-created: Yes \_\_\_ No X

Reasons: \_\_\_\_\_

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: The improvement to applicant does not effect any neighbor in significant degree.

The ZBA further finds that a variance of 4 feet from Section 105-16C<sup>(1b)</sup> of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

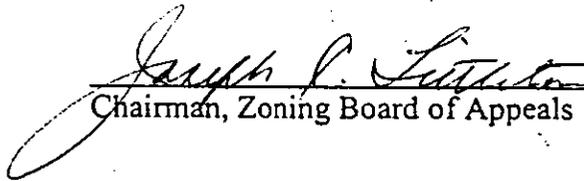
CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: No construction closer than 6 feet to the property line.

Adverse impact to be minimized: \_\_\_\_\_

Condition No. 2: \_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_

  
 Chairman, Zoning Board of Appeals

5/22/02  
 Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>JOSEPH LITTLETON</u>	<u>X</u>	_____
Member	<u>SCOTT BURG</u>	<u>X</u>	_____
Member	<u>ROBERT DOMRAS</u>	<u>X</u>	_____
Member	<u>JERAULD HOLCOMBE</u>	<u>X</u>	_____
Member	<u>JAMES BAILEY</u>	<u>X</u>	_____

**TOWN OF URBANA ZONING BOARD OF APPEALS**

**April 25, 2002**

**Present:** Joseph Littleton, Chairman  
James Bailey, Member  
Scott Burg, Member  
Peggy Soles, Recording Secretary

**Others Present:** Debbie Pierce, Herman LaPierre

**Absent:** Members; Edward Tyler, Robert Domras, Jerauld Holcombe

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on April 25, 2002 at 7:00 p.m. in the Town Hall.**

Chairman Littleton called the **Public Hearing** to order at 7:10 p.m. regarding Application #2002-003, Herman LaPierre, 10928 Mattoon Road, Prattsburgh, New York has applied for a Variance pursuant to Section 105-59, Chapter 86 Signs of the Town Code. Mr. LaPierre is seeking relief from the height requirement of the code to place a sign at the Easy Plus store located at Route 54, Bath, NY, Town of Urbana.

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

No neighbors or citizens appeared to oppose the sign variance.

Mr. Littleton declared quorum is present.

No opinion from the Town of Urbana Planning Board.

No opinion from the County or any other government agency was received.

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

The applicant and Board members discussed the application purpose. Mr. LaPierre explained the proposed project to the Board members and responded to their questions. Chairman Littleton asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:20 p.m.

Chairman Littleton opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:20 p.m.

Mr. Burg made a motion to approve the minutes of the meeting on April June 14, 2002 and August 16, 2002 as submitted. Seconded by Mr. Bailey and carried by a unanimous voice vote.

Old Business:

None

New Business:

Letter dated April 13, 2002 from Member, Jerauld L. Holcombe containing his comments regarding the application was read to Board members and the original is on file. (copy attached)

No objection from the public.

The application (#2002-003) of Mr. LaPierre was discussed . Mr. Burg made a motion to approve the Variance. Motion seconded by Mr. Bailey.  
Motion seconded by Mr. Bailey.

ROLL CALL VOTE:	James Bailey	Aye
	Scott Burg	Aye
	Joseph Littleton	Aye

Motion carried by unanimous vote.

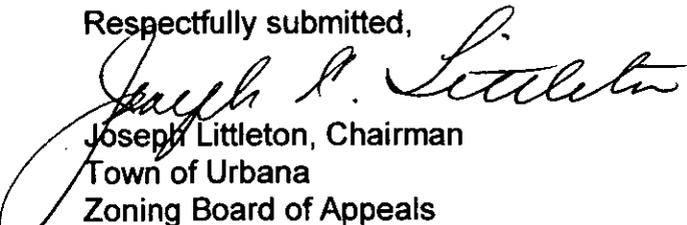
A motion was made by Mr. Burg, seconded by Mr. Bailey to accept the findings.

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

Motion carried by unanimous vote.

Motion to adjourn at 7:30 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

JL:ps  
MW: docs/urbana/4-25-02

**ZONING BOARD OF APPEALS  
AREA VARIANCE FINDINGS & DECISION**

Applicant: Herman LaPierre  
10928 Mattoon Road  
Prattsburgh, NY

Variance No: 2002-003  
Zoning District: Agriculture  
Published Notice on: 4/12/02  
Notice to County Sent on: 4/6/02  
Hearing Held On: 4/25/02

Property Location: Route 54, Bath, NY 14810  
Requirement for which Variance is Requested: Seeking relief from the height requirement of the code to place a sign at the Easy Plus Store.  
Applicable Section of Town Zoning Code: 105-59, Chapter 86

**FACTORS CONSIDERED:**

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes \_\_\_ No X

Reasons: The sign is comparable to other gas stations in all parts of the state.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes \_\_\_ No X

Reasons: To lower the sign would create poorer visability and a possible traffic hazard.

3. Whether the requested variance is substantial: Yes \_\_\_ No X

Reasons: Only a minor change in height.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes \_\_\_ No X

Reasons: A new sign 20 feet high in the same place would be no different.

5. Whether the alleged difficulty was self-created: Yes \_\_\_ No X

Reasons: No difficulty.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: No detriment

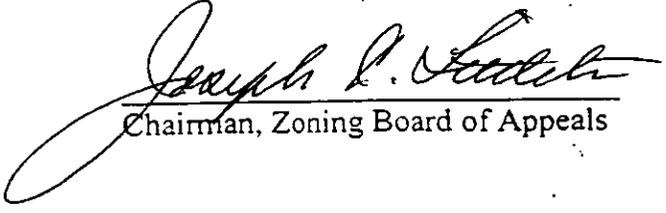
The ZBA further finds that a variance of \_\_\_\_\_ from Section \_\_\_\_\_ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

It is reasonable and necessary for use of the property.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: \_\_\_\_\_  
Adverse impact to be minimized: \_\_\_\_\_

Condition No. 2: \_\_\_\_\_  
Adverse impact to be minimized: \_\_\_\_\_

  
Chairman, Zoning Board of Appeals

Date \_\_\_\_\_

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Joseph Littleton</u>	<u>X</u>	<u>    </u>
Member	<u>Scott Burg</u>	<u>X</u>	<u>    </u>
Member	<u>James Bailey</u>	<u>X</u>	<u>    </u>
Member	<u>                    </u>	<u>    </u>	<u>    </u>
Member	<u>                    </u>	<u>    </u>	<u>    </u>