

# Zoning Board



2005



**TOWN OF URBANA ZONING BOARD OF APPEALS**  
**December 21, 2005**

**Present:** Scott Burg, Chairman  
Robert Domras  
James Pitt  
Richard Frey  
Richard Watson  
Peggy Soles, Recording Secretary

**Others Present:** Judi Bergh

**Absent:** Maureen Cohn

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on December 21, 2005 at 7:00 P.M. in the Town Hall.**

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:03 p.m. for Application #2005-110, Maureen Cohn, who has applied for an Area Variance pursuant to Town of Urbana Code Section 105-28 A, which states that fences in residential districts shall be no more than Four (4) foot in height. Mrs. Cohn is seeking relief from this requirement so that she can install a fence six (6) foot in height.

**This variance is recognized as a Type II SEQR.**

Mr. Burg declared quorum is present.

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

Letter from the Steuben County Planning Department with no opinion was received.

Letter from the Town of Urbana Planning Board with no opinion was received.

No letters from neighbors were received.

Suggestion to table the hearing for this variance (Application # 2005-110, Cohn) until January 18, 2006, due to the absence of Mrs. Cohn or any representative for Mrs. Cohn being at this hearing (December 21, 2005) and lack of enough information to make a decision for this variance.

A request was made by Scott Burg, (via note to Debbie Pierce) for Mrs. Cohn to either attend the January 18, 2006 meeting or have a representative present at this said meeting to provide the following information:

1. Copy of the Survey Map
2. Department of Transportation (DOT) row limits
3. The distance of the fence from the back edge of the DOT guide rail.

This meeting will continue on January 18, 2006, provided this information can be provided.

Followed by: Application #2005-078. Joseph and Judy Bergh, have applied for an Area Variance , pursuant to Town of Urbana Code Section 105-16 c. 1. (b) which requires that the side yard setback shall be ten (10) feet. Mr. & Mrs. Bergh are seeking relief so that they can construct a 14'X24' storage building within two (2) feet of their property line **This variance is recognized as a Type II SEQR.**

This variance (Application #2005-078, Bergh) is being reheard due to the previous hearing (held on October 19, 2005) was an improper meeting. There have been no changes to this variance from the previously heard meeting (held on October 19, 2005).

Findings and decisions for this variance were reviewed on December 5, 2005 at the regular meeting. Richard Frey had abstained from any decision at that time.

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

List of explanations for the request was reviewed at previous meeting held on October 19, 2005.

Letters from Neighbors to the south and North were received in favor of the variance and letters were read into record at the December 21, 2005 meeting.

Pictures of existing structure was reviewed at previous meeting held on October 19, 2005.

Tax Map was reviewed at previous meeting held on October 19, 2005.

Drawing was reviewed at previous meeting held on October 19, 2005 and is on file .

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

The Public Hearing closed at 7:10 p.m.

Old Business:

None

New Business:

Mr. Burg opened the Regular Business Meeting of the Zoning Board of Appeals at 7:10 p.m.

Board member Mr. Frey made a motion to approve the minutes of the meeting of November 16, 2005 as submitted. Seconded by Mr. Pitt.

**Noted name change to November 16, 2005 minutes: Mr. Domras had acted as representative for Scott Burg at this meeting and a change was hand written that "Mr. Domras" had explained the purpose of the meeting and in the section of findings acceptance, a hand written change of -- move the "deck and stairs" over to avoid a variance for the steps.**

ROLL CALL VOTE:

Scott Burg	Aye
Robert Domras	Aye
James Pitt	Aye
Richard Frey	Aye
Richard Watson	Aye

Motion carried by unanimous vote.

The application (2005-078), Mrs. Bergh was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	James Pitt	Nay
	Richard Frey	Abstained
	Richard Watson	Aye

Mr. Domras made a motion to grant the variance.

Motion seconded by Mr. Watson.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	James Pitt	Nay
	Richard Frey	Abstained
	Richard Watson	Aye

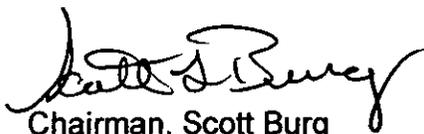
The application (2005-110), Mrs. Cohn was discussed and tabled until January 18, 2006 pending the presence of Mrs. Cohn / representative and information being provided.

A motion was made by Mr. Frey and seconded by Mr. Burg and carried by a unanimous vote.

**Richard Watson was welcomed to the ZBA Committee as a new Board Member.**

Motion to adjourn at 7:35 p.m. made by Mr. Pitt and seconded by Mr. Frey and carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals

SB:ps

Application #: 2005-078

Tax Parcel: \_\_\_\_\_

### Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

## AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals---Notice of Action

Bergh (12/21/05)

Applicant

Property Owner

Name: **Joe & Judi Bergh**  
Address: **10670 St. Rt. 54**  
**Hammondsport, NY 14840**

Name: **Joe & Judi Bergh**  
Address of property: **10670 St. Rt. 54**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **December 21, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

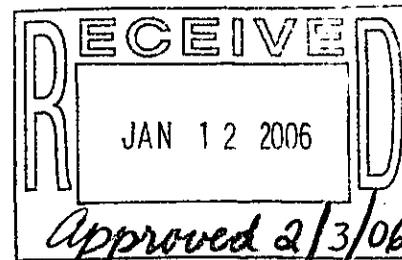
the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance is **denied**.

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of an **Eight (8) foot side yard setback** from section **105-16 C1. (b)** the zoning ordinance/law 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community:

BY *Margaret C. Sales*  
Secretary, Zoning Board of Appeals

1/6/06  
Date

Town of Urbana



Fee: \_\_\_\_\_ Application #: **2005-078** Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Bergh (12/21/05)

Property Location: 10670 State Route 54, Hammondsport, NY 14840

Requirement for which Variance is Requested: Side yard setback eight (8) foot variance.

Application Section of Town Zoning Code: 105-16 C. 1 (b)

### FACTORS CONSIDERED:

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

Reasons: Requested building would be in character of the surrounding neighborhood, and However, this request only perpetuates the over crowding of the pre-existing properties.

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

Reasons: Due to a very narrow lot, no feasible means to locate a structure of sufficient width.

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

Reasons: Requesting an eight (8) foot variance on a 26.5 foot lot is substantial, however, requested variance allows applicant reasonable use of pre-existing, non-conforming lot.

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

Reasons: Allowing requested variances will only increase the existing over crowding in the surrounding neighborhood.

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

Reasons: Pre-existing, non-conforming lot.

## Variance Findings & Decision----page 2

### 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: While granting a n eight (8) foot variance is substantial, the requested variance allows applicant to construct a building of reasonable size to be located on the existing property. Current structure is non-conforming on front yard and both side yard setbacks.

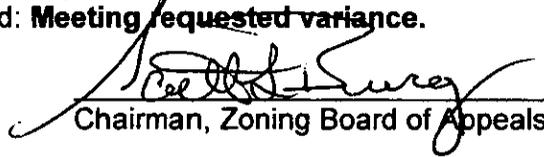
The ZBA further finds that a variance of eight (8) foot from section 105-16.c1 (b) of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **It allows applicant a building of reasonable size to be placed on a non-conforming lot.**

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: **Building is not to be placed on a permanent foundation.**  
Adverse impact to be minimized: **Permanent structure.**

Condition No. 2: **Building is not to exceed one story in height.**  
Adverse impact to be minimized: **Visual impact.**

Condition No. 3: **Due to lot size, request that the Zoning Officer locate the setback so the building meets requested variance.**  
Adverse impact to be minimized: **Meeting requested variance.**

  
Chairman, Zoning Board of Appeals

1/6/06  
Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	<u>    </u>
Member	<u>Robert Domras</u>	<u>X</u>	<u>    </u>
Member	<u>Richard Frey</u>	<u>Abstained</u>	
Member	<u>James Pitt</u>	<u>    </u>	<u>X</u>
Member	<u>Richard Watson</u>	<u>X</u>	<u>    </u>

Town of Urbana  
Zoning Board of Appeals Regular Business Meeting  
December 5, 2005

Present:            Scott Burg  
                      Robert Domras  
                      James Pitt

Absent:            Peggy Soles, Recording Secretary, Richard Frey

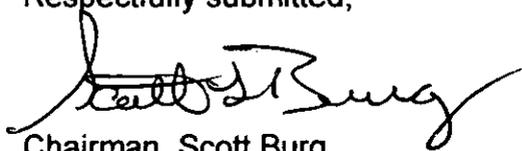
**Meeting was opened at 6:02 p.m.**

A motion made by Mr. Domras to rehear Bergh variance, Application # 2005-078 at the December 21, 2005 meeting and seconded by Mr. Pitt.

Roll Call Vote:	Robert Domras	Aye
	James Pitt	Aye
	Scott Burg	Aye

Motion to adjourn meeting at 6:10 p.m. made by Mr. Pitt and seconded by Mr. Domras and carried by a unanimous vote.

Respectfully submitted,



Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals

**TOWN OF URBANA ZONING BOARD OF APPEALS**  
**November 16, 2005**

Present: Robert Domras  
Richard Frey  
James Pitt  
*Dawn Hoyt* (fill-in for Recording Secretary, Peg Soles)

Others Present: David Remchuck (contractor for Marlene A. Dorman)

Absent: Scott Burg, Chairman, Peg Soles (Recording Secretary)

(preparation and completion of these minutes were done by Peg Soles).

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on November 16, 2005 at 7:00 P.M. in the Town Hall.**

*Domras*  
Mr. ~~Burg~~ explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Domras called the **Public Hearing** to order at 7:02 p.m. for Application #2005-103. Marlene A. Dorman, who has applied for an Area Variance, pursuant to Town of Urbana Code Section 105-16 C. (1) b., which requires that the side yard setback for a Keuka Lake Shore Line shall be ten (10) feet. Mrs. Dorman is seeking relief from this requirement so that they can locate a set of stairs four (4) feet from the property line on her property at 10058 East Lake Road, Hammondsport, New York. The applicant is also seeking additional relief pursuant to Town of Urbana Code 105-16 C. (1) a which requires that the front yard setback for a Residential lot shall be forty (40) feet. Mrs. Dorman is seeking relief from this requirement so that she can locate an eight foot by twenty foot (8'x20') deck thirty-nine (39) feet from the property line, and locate an eight foot by thirty two foot (8'x32') deck twenty-one (21) feet from the property line. **This variance is recognized as a Type II SEQR.**

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

Mr. Domras declared quorum is present.

List of explanations for the request was reviewed.

Pictures of existing structure was reviewed.

Tax Map was reviewed.

Drawing was reviewed and is on file.

The applicant and Board members discussed the application purpose. Mr. Remchuck (representing Mrs. Dorman), explained the proposed project for the variance to the Board members and responded to their questions. Mr. Domras asked Board members and others present if there were additional questions.

ZBA-Dorman (11/16/05)

The Public Hearing closed at 7:08 p.m.

Old Business:

None

New Business:

Mr. Domras opened the Regular Business Meeting of the Zoning Board of Appeals at 7:09 p.m.

Board member Mr. Domras made a motion to approve the minutes of the meeting of October 19, 2005 as submitted. Seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Absent
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion carried by unanimous vote.

The application (2005-103), Mrs. Dorman was discussed.

A motion was made by Mr. Frey and seconded by Mr. Pitt to accept the findings with the condition of move trees and remove concrete steps and move the deck over to avoid a variance for the steps.

*deck + stairs*

ROLL CALL VOTE:	Scott Burg	Absent
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Frey made a motion to grant the variance.  
Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Absent
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion to adjourn at 7:45 p.m. made by Mr. Frey and seconded by Mr. Pitt and carried by a unanimous voice vote.

Respectfully submitted,



~~Chairman, Scott Burg~~ MKD  
Town of Urbana  
Zoning Board of Appeals

Fee: \_\_\_\_\_ Application #: **2005-103** Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 10058 East Lake Road, Hammondsport, NY 14840

Requirement for which Variance is Requested: Side yard setback and Front yard setback

Application Section of Town Zoning Code: 105-16 C. (1) b and 105-16 C (1)(a)

### FACTORS CONSIDERED:

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

Reasons: Proposed project is in keeping with the neighboring properties.

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

Reasons: No feasible alternative for a deck is possible.

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

Reasons: minimum variance requested to achieve project scope.

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

Reasons: Minimal description of property is involved.

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

Reasons: Existing structures dictate deck placement.

## Variance Findings & Decision---page 2

### 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: Existing cottage has non-conforming setback, but is in keeping with the neighborhood.

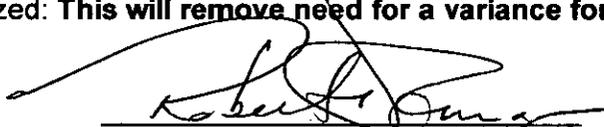
The ZBA further finds that a variance of one (1) foot on guest house and nineteen (19) feet on main cottage from section 105-16 C (1)(a) of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

**The proposed decks do not substantially alter the non-conforming nature of the existing structure.**

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: **The proposed steps and eight by eight (8'x 8') landing to be moved northerly to maintain a ten(10) foot side yard setback.**

Adverse impact to be minimized: **This will remove need for a variance for the landing.**

  
Chairman, Zoning Board of Appeals

11/21/05  
Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>Absent</u>	
Member	<u>Robert Domras</u>	<u>X</u>	<u>    </u>
Member	<u>Richard Frey</u>	<u>X</u>	<u>    </u>
Member	<u>James Pitt</u>	<u>X</u>	<u>    </u>

Application #: 2005-103

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals--Notice of Action

Applicant

Property Owner

Name: **David Remchuck**  
Address: **104 May Street**  
**Bath, NY 14810**

Name: **Marlene A. Dorman**  
Address of property: **10058 East Lake Road**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **November 16, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of an **one (1) foot on guest house and nineteen (19) feet on main cottage** from section **105-16 C (1)(a)** the zoning ordinance/law 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community: **The proposed steps and eight by eight (8'x8') landing to be moved northerly to maintain a ten (10) foot side yard setback.**

BY *Dawn M. Haft*  
Secretary, Zoning Board of Appeals

*1/19/06*  
Date

Town of Urbana

**TOWN OF URBANA ZONING BOARD OF APPEALS**  
**November 16, 2005**

Present: Robert Domras  
Richard Frey  
James Pitt

(fill-in for Recording Secretary, Peg Soles)

Others Present: David Remchuck (contractor for Marlene A. Dorman)

Absent: Scott Burg, Chairman, Peg Soles (Recording Secretary)

**(preparation and completion of these minutes were done by Peg Soles).**

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on November 16, 2005 at 7:00 P.M. in the Town Hall.**

*Domras*  
Mr. ~~Burg~~ explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Domras called the **Public Hearing** to order at 7:02 p.m. for Application #2005-103. Marlene A. Dorman, who has applied for an Area Variance, pursuant to Town of Urbana Code Section 105-16 C. (1) b., which requires that the side yard setback for a Keuka Lake Shore Line shall be ten (10) feet. Mrs. Dorman is seeking relief from this requirement so that they can locate a set of stairs four (4) feet from the property line on her property at 10058 East Lake Road, Hammondsport, New York. The applicant is also seeking additional relief pursuant to Town of Urbana Code 105-16 C. (1) a which requires that the front yard setback for a Residential lot shall be forty (40) feet. Mrs. Dorman is seeking relief from this requirement so that she can locate an eight foot by twenty foot (8'x20') deck thirty-nine (39) feet from the property line, and locate an eight foot by thirty two foot (8'x32') deck twenty-one (21) feet from the property line. **This variance is recognized as a Type II SEQR.**

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

Mr. Domras declared quorum is present.

List of explanations for the request was reviewed.

Pictures of existing structure was reviewed.

Tax Map was reviewed.

Drawing was reviewed and is on file.

The applicant and Board members discussed the application purpose. Mr. Remchuck (representing Mrs. Dorman), explained the proposed project for the variance to the Board members and responded to their questions. Mr. Domras asked Board members and others present if there were additional questions.

ZBA-Dorman (11/16/05)

The Public Hearing closed at 7:08 p.m.

Old Business:

None

New Business:

Mr. Domras opened the Regular Business Meeting of the Zoning Board of Appeals at 7:09 p.m.

Board member Mr. Domras made a motion to approve the minutes of the meeting of October 19, 2005 as submitted. Seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Absent
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion carried by unanimous vote.

The application (2005-103), Mrs. Dorman was discussed.

A motion was made by Mr. Frey and seconded by Mr. Pitt to accept the findings with the condition of move trees and remove concrete steps and move the ~~deck~~<sup>deck & stairs</sup> over to avoid a variance for the ~~steps~~<sup>steps</sup>.

ROLL CALL VOTE:	Scott Burg	Absent
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Frey made a motion to grant the variance.

Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Absent
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion to adjourn at 7:45 p.m. made by Mr. Frey and seconded by Mr. Pitt and carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals

**TOWN OF URBANA ZONING BOARD OF APPEALS**  
**October 19, 2005**

**Present:** Scott Burg, Chairman  
Robert Domras  
James Pitt  
Peggy Soles, Recording Secretary

**Others Present:** Judi Bergh

**Absent:**

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on October 19, 2005 at 7:00 P.M. in the Town Hall.**

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:04 p.m. for Application #2005-078. Joseph and Judy Bergh, have applied for an Area Variance , pursuant to Town of Urbana Code Section 105-16 c. 1. (b) which requires that the side yard setback shall be ten (10) feet. Mr. & Mrs. Bergh are seeking relief so that they can construct a 14'X24' storage building within two (2) feet of their property line **This variance is recognized as a Type II SEQR.**

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

Mr. Burg declared quorum is present.

List of explanations for the request was reviewed.

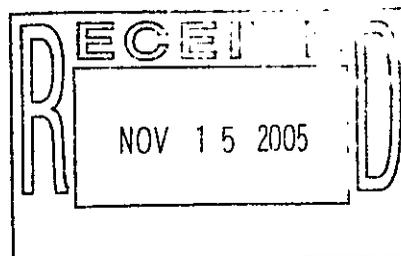
Neighbor to the south was present with concern of the height of structure

Pictures of existing structure was reviewed.

Tax Map was reviewed.

Drawing was reviewed and is on file.

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



ZBA-Bergh (10/19/05)

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

Old Business:

None

New Business:

Mr. Burg opened the Regular Business Meeting of the Zoning Board of Appeals at 7:30 p.m.

Board member Mr. Domras made a motion to approve the minutes of the meeting of August 17, 2005 as submitted. Seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	James Pitt	Aye

Motion carried by unanimous vote.

The application (2005-078), Mrs. Bergh was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	James Pitt	Aye

Mr. Domras made a motion to grant the variance.

Motion seconded by Mr. Burg.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	James Pitt	Nay

Motion to adjourn at 8:15 p.m. made by Mr. Domras and seconded by Mr. Pitt and carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals

SB:ps

Page 2 of 2

Fee: \_\_\_\_\_ Application #: **2005-078** Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 10670 State Route 54, Hammondsport, NY 14840

Requirement for which Variance is Requested: Side yard setback eight (8) foot variance.

Application Section of Town Zoning Code: 105-16 C. 1 (b)

### FACTORS CONSIDERED:

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

Reasons: Requested building would be in character of the surrounding neighborhood, and However, this request only perpetuates the over crowding of the pre-existing properties.

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

Reasons: Due to a very narrow lot, no feasible means to locate a structure of sufficient width.

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

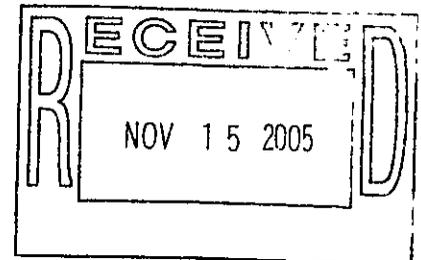
Reasons: Requesting an eight (8) foot variance on a 26.5 foot lot is substantial, however, requested variance allows applicant reasonable use of pre-existing, non-conforming lot.

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

Reasons: Allowing requested variances will only increase the existing over crowding in the surrounding neighborhood.

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

Reasons: Pre-existing, non-conforming lot.



## Variance Findings & Decision----page 2

### 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: While granting a n eight (8) foot variance is substantial, the requested variance allows applicant to construct a building of reasonable size to be located on the existing property. Current structure is non-conforming on front yard and both side yard setbacks.

The ZBA further finds that a variance of eight (8) foot from section 105-16.c1 (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: **It allows applicant a building of reasonable size to be placed on a non-conforming lot.**

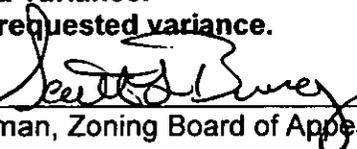
CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Building is not to be placed on a permanent foundation.**  
Adverse impact to be minimized: **Permanent structure.**

Condition No. 2: **Building is not to exceed one story in height.**  
Adverse impact to be minimized: **Visual impact.**

Condition No. 3: **Due to lot size, request that the Zoning Officer locate the setback so the building meets requested variance.**

Adverse impact to be minimized: **Meeting requested variance.**

  
Chairman, Zoning Board of Appeals

11/15/05  
Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	<u>    </u>
Member	<u>Robert Domras</u>	<u>X</u>	<u>    </u>
Member	<u>Richard Frey</u>	<u>Absent</u>	<u>    </u>
Member	<u>James Pitt</u>	<u>    </u>	<u>X</u>

Application #: 2005-078

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals---Notice of Action

Applicant

Property Owner

Name: **Joe & Judi Bergh**  
Address: **10670 St. Rt. 54**  
**Hammondsport, NY 14840**

Name: **Joe & Judi Bergh**  
Address of property: **10670 St. Rt. 54**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **August 17, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of an **Eight (8) foot side yard setback** from section **105-16 C1. (b)** the zoning ordinance/law 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community:

BY Margaret (Peggy) Sales 11/15/05  
Secretary, Zoning Board of Appeals Date

Town of Urbana

**TOWN OF URBANA ZONING BOARD OF APPEALS  
August 17, 2005**

**Present:** Scott Burg, Chairman  
Robert Domras  
Richard Frey  
James Pitt  
Peggy Soles, Recording Secretary

**Others Present:** Joseph & Judy Bergh, Dan Burns (neighbor to the south of the Bergh's), Sam Pennise

**Absent:**

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on August 17, 2005 at 7:00 P.M. in the Town Hall.**

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:05 p.m. for Application #2005-070. Joseph and Judy Bergh, have applied for an Area Variance , pursuant to Town of Urbana Code Section 105-16 C. 1 (d) which says front yard setback shall be fifteen (15 ) feet; 105-16 C 1(d) 2, which that the rear yard setback shall be twenty (20) feet; 105-16C (1) b which says that the side yard setback shall be ten (10) feet and 105-16 C (2) which says that the lot coverage shall be a maximum of twenty five (25) %. Mr. & Mrs. Bergh are seeking relief from this requirement so that they can locate a twenty (20) X thirty (30) foot storage/shelter shed on their property at 10670 East Lake Road, Hammondsport, New York.

**This variance is recognized as a Type II SEQR.**

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

Mr. Burg declared quorum is present.

Letter was received from the Town of Urbana Planning Board of recommendation of denial.

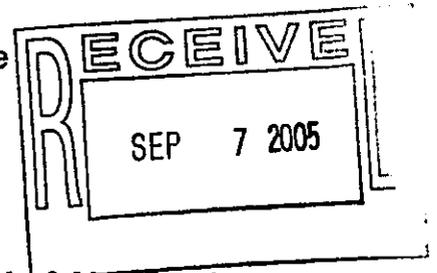
Letter was received from the Steuben County Planning department with no opinion.

Neighbor to the south was present with concern of the height of structure

Pictures of existing structure was reviewed.

Maps were reviewed

The applicant and Board members discussed the application purpose. Mr. & Mrs. Bergh explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.



Followed by: Application #2005-072, Sam Pennise, who has applied for an area Variance pursuant to Town of Urbana Code Section 105-16 C.1.(b), which requires that the side yard setback shall be ten(10) feet. Mr. Pennise is seeking relief from this requirement so that he can locate a stairway six (6) feet from the property line on his property at 9855 East Lake Road, Hammondsport New York. **This variance is recognized as a Type II SEQR.**

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

Letter was received from the Steuben County Planning department with no opinion.

No letters from neighbors were received.

3D drawing of the stairway construction was reviewed.

Survey map was reviewed.

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

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

Old Business:

None

New Business:

Mr. Burg opened the Regular Business Meeting of the Zoning Board of Appeals at 7:35p.m.

Board member Mr. Frey made a motion to approve the minutes of the meeting of July 20, 2005 as submitted. Seconded by Mr. Domras.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion carried by unanimous vote.

The application (2005-070), Mr. & Mrs. Bergh was discussed.

A motion was made by Mr. Frey and seconded by Mr. Pitt to accept the findings.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Domras made a motion to deny the variance.  
Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

The application (2005-072), Mr. Pennise was discussed.  
A motion was made by Mr. Domras and seconded by Mr. Pitt to accept the findings.

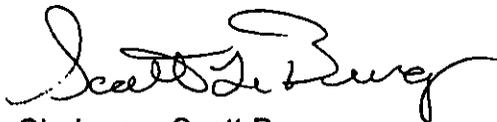
ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Domras made a motion to approve the variance.  
Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion to adjourn at 8:50 p.m. made by Mr. Domras and seconded by Mr. Burg and carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals

SB:ps

Fee: \_\_\_\_\_ Application #: 2005-072 Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 9955 East Lake Road, Hammondsport, NY 14840

Requirement for which Variance is Requested: Setback; side yard setback.

Application Section of Town Zoning Code: 105-16C. 1 (b).

### FACTORS CONSIDERED:

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

Reasons: No minimal impact on character of the neighborhood, no detriment to surrounding properties.

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

Reasons: Stairs could be constructed that would not require a variance.

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

Reasons: Minimum requested to construct as proposed designed steps.

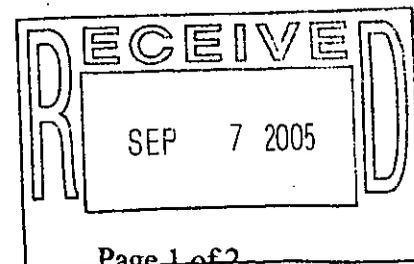
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:      \_\_\_ Yes      X No

Reasons: Minimal physical and environmental impacts.

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

Reasons: Stairs could be constructed in a manner that would not require a variance.

Town of Urbana 2005



## Variance Findings & Decision---page 2

### 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.

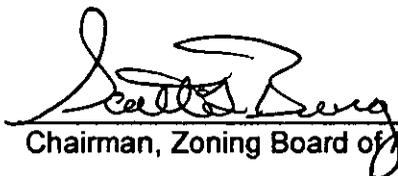
Reasons: **Variance requested is minimal needed to construct new steps. New steps will have little or no effect on character of the neighborhood.**

The ZBA further finds that a variance of **Four (4) feet** 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:

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:

Conditions: **NONE**

Adverse impact to be minimized:

  
Chairman, Zoning Board of Appeals

9/6/05  
Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	___
Member	<u>Robert Domras</u>	<u>X</u>	___
Member	<u>Richard Frey</u>	<u>X</u>	___
Member	<u>James Pitt</u>	<u>X</u>	___

Application #: 2005-072

Tax Parcel: \_\_\_\_\_

**Town of Urbana**

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

**VR3**

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

**Zoning Board of Appeals---Notice of Action**

Applicant

Property Owner

Name: **Sam Pennise**  
Address: **9955 East Lake Rd.**  
**Hammondsport, NY 14840**

Name: **Sam Pennise**  
Address of property: **9955 East Lake Rd.**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **August 17, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of **Four (4) foot side yard setback** from section **105-16C. 1 (b)** the zoning ordinance/law is 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community:

BY Margaret C. (Peggy) Sales 9/6/05  
Secretary, Zoning Board of Appeals Date

Town of Urbana

Fee: \_\_\_\_\_ Application #: 2005-070 Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 10670 State Route 54, Hammondsport, NY 14840

Requirement for which Variance is Requested: Front yard setback; rear yard setback; side yard setback and lot coverage.

Application Section of Town Zoning Code: 105-16 C. 1 (d); 105-16 C 1(d) 2; 105-16C (1) b and 105-16 C (2).

### FACTORS CONSIDERED:

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

Reasons: Requested building would be in character of the surrounding neighborhood, and However, this request only perpetuates the over crowding of the pre-existing properties.

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

Reasons: Due to a very narrow lot, no feasible means to locate a structure of sufficient width.

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

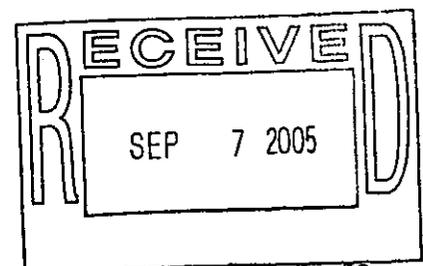
Reasons: Forty (40') percent density requested with twenty five (25) percent allowable. Both side yard setback requested (six and a half (6.5) feet each side) front and rear setback requested.

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

Reasons: Allowing requested variances will only increase the existing over crowding in the surrounding neighborhood.

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

Reasons: Pre-existing, non-conforming lot.



Applicant: Bergh, # 2005-070 (8/17/05)

### Variance Findings & Decision----page 2

#### 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: Denied because applicant requested variances which are to substantial.

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:

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:

Conditions: **NA**

Adverse impact to be minimized:

  
Chairman, Zoning Board of Appeals

9/6/05  
Date

#### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	_____
Member	<u>Robert Domras</u>	<u>X</u>	_____
Member	<u>Richard Frey</u>	<u>X</u>	_____
Member	<u>James Pitt</u>	<u>X</u>	_____

Application #: 2005-070

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals---Notice of Action

Applicant

Property Owner

Name: **Joe & Judi Bergh**  
Address: **10670 St. Rt. 54**  
**Hammondsport, NY 14840**

Name: **Joe & Judi Bergh**  
Address of property: **10670 St. Rt. 54**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **August 17, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

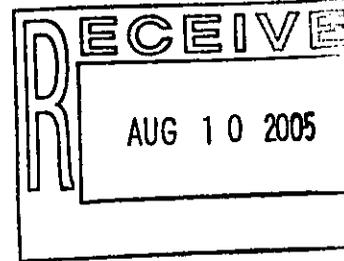
the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of \_\_\_\_\_ from section \_\_\_\_\_ the zoning ordinance/law is minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community:

BY *Maureen (Penny) Sales* Secretary, Zoning Board of Appeals Date *9/6/05*

Town of Urbana

**TOWN OF URBANA ZONING BOARD OF APPEALS**

**July 20, 2005**



**Present:** Scott Burg, Chairman  
Robert Domras  
Richard Frey  
James Pitt  
Peggy Soles, Recording Secretary

**Others Present:** Patricia D. Meyer, Tricia Cronk (neighbor to Mr. Childs), Philip M. Dickson,  
Robert Wenderlich (neighbor to Mr. Dickson)

**Absent:** Robert Childs

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on July 20, 2005 at 7:00 P.M. in the Town Hall.**

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:05 p.m. for Application #2005-058. Patricia D. Meyer, has applied for an Area Variance, pursuant to Town of Urbana Code Section 105-16 C (d) 2, which requires that the rear yard setback shall be twenty (20) feet. Mrs. Meyer is seeking relief from this requirement so that she can locate a shed two (2) feet from the property line on her property at 10558 East Lake Road., Hammondsport, New York.  
**This variance is recognized as a Type II SEQR.**

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

Mr. Burg declared quorum is present.

Letter was received from the Town of Urbana Planning Board with no opinion.

Letter was received from the Steuben County Planning department with no opinion.

No letters from neighbors were received.

Pictures of structure were reviewed.

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

Followed by: Application #2005-069, Robert M. Childs, who has applied for a Variance pursuant to Town of Urbana Code Section 105-15-C (1) c., which requires that the rear yard setback shall be fifty (50) feet. Mr. Childs is seeking relief from this requirement so that he can locate a garage twenty-five (25) feet from the property line on his property at 11142 State Route 54, Hammondsport New York.

**This variance is recognized as a Type II SEQR.**

Applications: Meyer-Childs-Dickson (7/20/05) Page 2

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

Letter was received from the Town of Urbana Planning Board with no opinion.

Letter was received from the Steuben County Planning department with no opinion.

Neighbor to the north was present with no negative opinion or objection.

Neighbor to the south was present with no negative opinion.

No letters from neighbors were received.

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

Followed by: Application # 2005-060, Philip M. Dickson, who has applied for an area variance pursuant to Town of Urbana Code 105-16-C 1 (A), which requires that the front yard setback shall be forty (40) feet. Mr. Dickson is seeking relief from this requirement so that he can locate a residence twenty-two (22) feet from the property line on his property at 11076 East Lake Road, Hammondsport, New York. **This variance is recognized as a Type II SEQR.**

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

Letter was received from the Town of Urbana Planning Board with no opinion.

Letter was received from the Steuben County Planning department with no opinion.

Neighbor to the north was present with no negative opinion or objection.

No letters from neighbors were received.

Drawing for the structure was reviewed.

A model picture of the proposed structure was reviewed.

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

The Public Hearing closed at 7:35 p.m.

Old Business:

None

New Business:

Mr. Burg opened the Regular Business Meeting of the Zoning Board of Appeals at 7:40 p.m.

Applications: Meyer-Childs-Dickson (7/20/05) Page 3

Board member Mr. Domras made a motion to approve the minutes of the meeting of June 15, 2005 as submitted. Seconded by Mr. Frey.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion carried by unanimous vote.

The application (2005-058), Mrs. Meyer was discussed.

A motion was made by Mr. Frey and seconded by Mr. Pitt to accept the findings.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Frey made a motion to approve the variance.

Motion seconded by Mr. Burg.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Nay
	Richard Frey	Aye
	James Pitt	Aye

The application (2005-069), Mr. Childs was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Frey made a motion to approve the variance.

Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

The application (2005-060), Mr. Dickson was discussed.

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

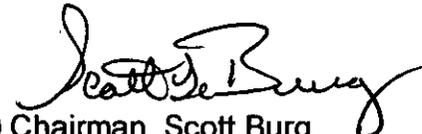
ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Frey made a motion to approve the variance.  
Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Nay
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion to adjourn at 9:20 p.m. made by Mr. Frey and seconded by Mr. Burg and carried by a unanimous voice vote.

Respectfully submitted,

  
Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals

Application #: 2005-058

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals---Notice of Action

Applicant

Property Owner

Name: **Patricia Meyer**  
Address: **PO Box 67**  
**Wayne, NY 14893**

Name: **Patricia Meyer**  
Address of property: **10558 East Lake Road**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **July 20, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of **rear yard setback distance equal to the setback of the existing manufactured home** from section **105-16 C(d)2** the zoning ordinance/law is 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community: **None**

BY *Maureen Peary* *Solis* *8/8/05*  
Secretary, Zoning Board of Appeals Date

Town of Urbana

Fee: \_\_\_\_\_ Application #: 2005-058 Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 10558 East Lake Road, Hammondsport, NY 14840

Requirement for which Variance is Requested: Rear yard setback distance to equal setback of the existing manufactured home.

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

### FACTORS CONSIDERED:

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

Reasons: Requested variance is well within the character of the neighborhood and surrounding structures.

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

Reasons: Lot size is sufficient to allow the proposed shed to be located without a variance.

3. Whether the requested variance is substantial:  Yes  No

Reasons: 8'X12' shed occupies minimal space. Requested variance puts the shed at the same setback as the existing manufactured home.

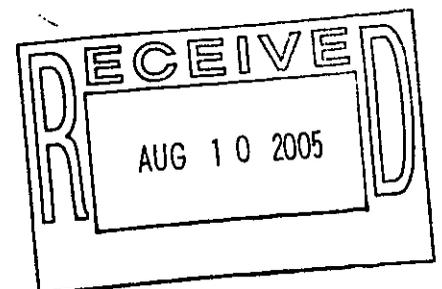
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:  Yes  No

Reasons: Well within the character of the neighborhood.

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

Reasons: Shed could be located on property without a variance.

Town of Urbana 2005



## Variance Findings & Decision----page 2

### 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 shed can be located on the lot without a variance, however, granting the variance allows applicant to set the shed on lot to meet existing setback of the manufactured home, while preserving lake views for the surrounding neighbors.

The ZBA further finds that a variance of the existing manufactured home setback from section 105-16 C (d) 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:

Granting the variance allows the applicant to set the shed on lot to meet existing setback of the manufactured home, while preserving lake views for the surrounding neighbors.

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:

Conditions: **None**

Adverse impact to be minimized:

  
Chairman, Zoning Board of Appeals

  
Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	___
Member	<u>Robert Domras</u>	<u>X</u>	___
Member	<u>Richard Frey</u>	<u>X</u>	___
Member	<u>James Pitt</u>	<u>X</u>	___

Application #: 2005-069

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals--Notice of Action

Applicant

Property Owner

Name: **Robert M. Childs**  
Address: **417 Route 54 (11142)**  
**Hammondsport, NY 14840**

Name: **Janet Page**  
Address of property: **417 Route 54**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **July 20, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of **Twenty five (25') foot rear yard setback** from section **105-15-C(1)c** the zoning ordinance/law is 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community: **None**

BY Margaret Peggy Sales 8/8/05  
Secretary, Zoning Board of Appeals Date

Town of Urbana

Fee: \_\_\_\_\_ Application #: 2005-069 Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 11142 State Route 54, Hammondsport, NY 14840

Requirement for which Variance is Requested: Twenty five (25') foot rear yard setback.

Application Section of Town Zoning Code: 105-15-C(1)c

### FACTORS CONSIDERED:

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

Reasons: Requested variance is well within the character of the neighborhood and surrounding structures.

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

Reasons: Lot size is a pre-existing, non-conforming lot. Garage could not be constructed on the lot without a variance.

3. Whether the requested variance is substantial:  Yes  No

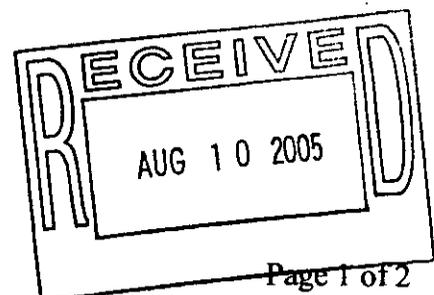
Reasons: Twenty five (25') feet in a fifty (50') foot setback is substantial.

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

Reasons: Well within the character of the neighborhood.

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

Reasons: Due to lot size, less than two (2) acres in an agricultural district and lot is also narrow in depth, one hundred ten feet (110'), with fifty foot (50') front and fifty foot (50') rear setbacks allowing only ten feet on non-variance area.



## Variance Findings & Decision----page 2

### 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: Lot size does not allow for a structure to be built without a variance. To allow applicant reasonable use of the property, granting the variance allows the construction of a garage of reasonable size.

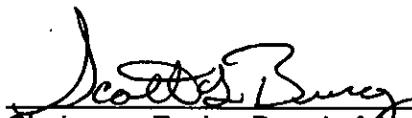
The ZBA further finds that a variance of Twenty (25') five feet from section 105-15-C(1)c of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

The variance allows the applicant reasonable use of the property in a pre-existing, non-conforming agricultural lot.

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:

Conditions: **None**

Adverse impact to be minimized:

  
Chairman, Zoning Board of Appeals

  
Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	___
Member	<u>Robert Domras</u>	<u>X</u>	___
Member	<u>Richard Frey</u>	<u>X</u>	___
Member	<u>James Pitt</u>	<u>X</u>	___

Application #: 2005-060

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals---Notice of Action

Applicant

Property Owner

Name: **Philip Dickson**  
Address: **4831 Ct Rt 25**  
**Cameron Mills, NY 14820**

Name: **Philip Dickson**  
Address of property: **11076 (474) East Lake Rd.**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **July 20, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of **Eighteen (18') foot front yard setback** from section **105-16-C1(A)** the zoning ordinance/law is 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community: **None**

BY Margaret (Peggy) Sales 8/8/05  
Secretary, Zoning Board of Appeals Date

Town of Urbana

Fee: \_\_\_\_\_ Application #: 2005-060 Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 11076 East Lake Road, Hammondsport, NY 14840

Requirement for which Variance is Requested: Front yard setback with a variance of Eighteen (18') feet.

Application Section of Town Zoning Code: 105-16 C1 (A)

### FACTORS CONSIDERED:

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

Reasons: Requested variance is well within the character of the neighborhood and surrounding structures.

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

Reasons: Due to unforeseen geological challenges (ie. Bedrock), applicant will have to move the structure forward (towards Keuka Lake) to construct a residence that is usable and is architecturally appealing.

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

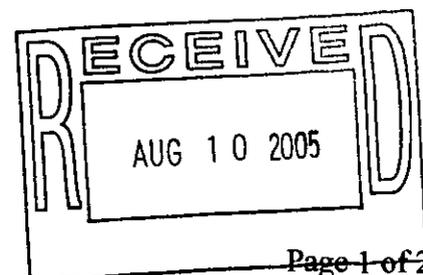
Reasons: Eighteen (18') feet in a forty (40') foot setback is substantial.

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

Reasons: Well within the character of the neighborhood.

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

Reasons: Applicant could have done other designs or design modifications, however applicant has a pre-existing tunnel and elevator shaft that make the variance favorable to meet his final design.



Applicant: Dickson, # 2005-060 (7/20/05)

### Variance Findings & Decision----page 2

#### 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: Excessive bedrock limits the applicants use of the site. To construct the proposed structure, the eighteen (18') foot variance allows the applicant to build to original design and utilize the pre-existing tunnel and elevator shaft.

The ZBA further finds that a variance of Eighteen feet (18') from section 105-16-C1(A) 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:

The eighteen (18') foot variance while substantial, allows the applicant to build a structure that is within character of the surrounding neighborhood.

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:

Conditions: **None**

Adverse impact to be minimized:

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

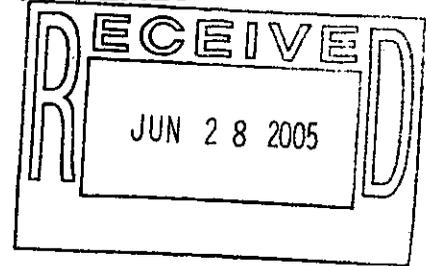
8/2/05  
Date

#### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	___
Member	<u>Robert Domras</u>	<u>X</u>	___
Member	<u>Richard Frey</u>	<u>X</u>	___
Member	<u>James Pitt</u>	<u>X</u>	___

**TOWN OF URBANA ZONING BOARD OF APPEALS**

**June 15, 2005**



**Present:** Scott Burg, Chairman  
Robert Domras  
Richard Frey  
James Pitt  
Peggy Soles, Recording Secretary

**Others Present:** Steven Brandt, Karen Brandt, Laurie Corbett (neighbor to the north of the Brandt's), Kevin Gokey and Art Markle (contractors for Kelly Bailey).

**Absent:**

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on June 15, 2005 at 7:00 P.M. in the Town Hall.**

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:10 p.m. for Application #2005-028, Steven Brandt, 91 Northwood Drive, Rochester New York, has applied for a Variance for property located at 10564 W. Lake Rd., Hammondsport, pursuant to Code Section 105-16 C1 (b) which says side yard setback on a KLSL lot in an R district shall be ten feet. Mr. Brandt is seeking from side yard setback requirements.

**This variance is recognized as a Type II SEQR.**

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

Mr. Burg declared quorum is present.

Letter was received from the Town of Urbana Planning Board with no opinion.

Letter was received from the Steuben County Planning department with no opinion.

Neighbor to the north was present with no negative opinion or objection.

Survey map was reviewed.

Site Plans were reviewed

The applicant and Board members discussed the application purpose. Mr. & Mrs. Brandt explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

Followed by: Application #2005-041, Kelly Bailey, 9183 Greyton H. Taylor Drive, Hammondsport New York, who has applied for a Variance pursuant to Code Section 105-15 C a. which says the front yard in an agricultural district shall be 50 feet. She is seeking relief from the front yard set back requirements.

**This variance is recognized as a Type II SEQR.**

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

Letter was received from the Town of Urbana Planning Board with no opinion.

Letter was received from the Steuben County Planning department with no opinion.

Letter from Kelly Bailey is on file and was read into record, in regards to the contractors Gokey and Markle LLC, to representing her in this hearing.

The representatives for Kelly Bailey and Board members discussed the application purpose. Gokey and Markle explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

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

Old Business:

None

New Business:

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:30 p.m.

Board member Mr. Domras made a motion to approve the minutes of the meeting of May 18, 2005 as submitted. Seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion carried by unanimous vote.

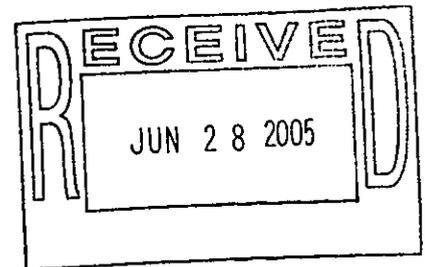
The application (2005-028), Mr. Brandt was discussed.

A motion was made by Mr. Frey and seconded by Mr. Pitt to accept the findings.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Frey made a motion to approve the variance.  
Motion seconded by Mr. Domras.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye



The application (2005-041), Ms. Bailey was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Pitt made a motion to approve the variance.  
Motion seconded by Mr. Frey.

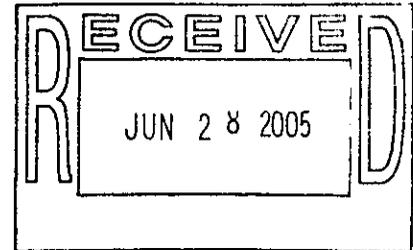
ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion to adjourn at 8:30 p.m. made by Mr. Domras and seconded by Mr. Pitt and carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals



Fee: \_\_\_\_\_ Application #: **2005-041** Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

### Variance Findings & Decision

Property Location: **9183 Greyton H. Taylor Memorial Drive, Hammondsport, NY 14840**

Requirement for which Variance is Requested: **Four foot (4') front yard setback.**

Application Section of Town Zoning Code: **105-16 C (a) in Ag district.**

#### FACTORS CONSIDERED:

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

Reasons: **Porch addition would have minimal impact on character of the neighborhood.**

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

Reasons: **A four foot (4') wide porch would not allow applicant reasonable use.**

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

Reasons: **Minimal required to build a usable porch. A four foot variance in a fifty foot (50') setback is minimal.**

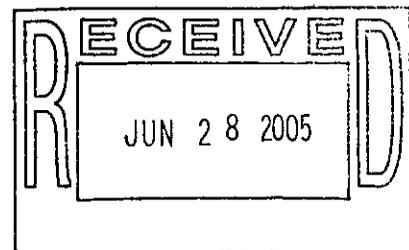
4. Would the variance have an **adverse impact** on the physical or environmental conditions in the neighborhood:       Yes       No

Reasons: **Well within character of the surrounding properties.**

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

Reasons: **Evidence of a pre-existing, non-conforming porch pre-dates the zoning law.**

Town of Urbana 2005



## Variance Findings & Decision----page 2

### 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: **Granting a four foot (4') variance allows the applicant to construct a porch of sufficient width to be usable. The porch addition will improve the appearance of a country residence.**

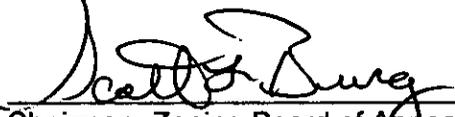
The ZBA further finds that a variance of four feet (4') from section 105-16 C (a) of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

**The minimal required to allow reasonable use.**

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:

Conditions: **NONE**

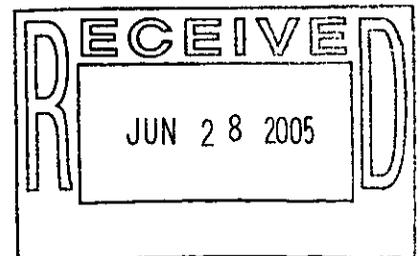
Adverse impact to be minimized: **N/A**

  
 Chairman, Zoning Board of Appeals

6/23/05  
 Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	___
Member	<u>Robert Domras</u>	<u>X</u>	___
Member	<u>Richard Frey</u>	<u>X</u>	___
Member	<u>James Pitt</u>	<u>X</u>	___



Application #: 2005-041

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals---Notice of Action

Applicant

Property Owner

Name: **Kelly Bailey**

Address: **9183 Greyton H. Taylor Memorial Dr.  
Hammondsport, NY 14840**

Name: **Kelly Bailey**

Address: **9183 Greyton H. Taylor Memorial Dr.  
Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **June 15, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

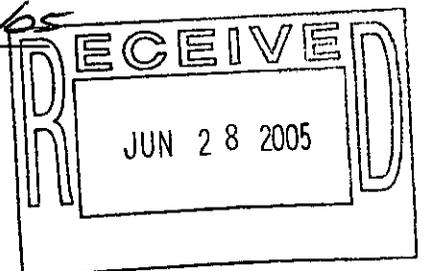
the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance is **denied.**

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of a **four foot (4') front yard setback** from section **105-16 C (a)** the zoning ordinance/law is 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community: **NONE**

BY Margaret (Casper) Sales  
Secretary, Zoning Board of Appeals

6/23/05  
Date

Town of Urbana



Fee: \_\_\_\_\_ Application #: **2005-028** Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 10564 West Lake Road, Hammondsport, NY 14840

Requirement for which Variance is Requested: One foot (1') side yard setback.

Application Section of Town Zoning Code: 105-16 C 1 (b)

### FACTORS CONSIDERED:

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

Reasons: Boat lift would be in character of the surrounding neighborhood; many adjacent properties have similar structures that project further out into the lake.

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

Reasons: With the configuration of existing sea wall, owner is limited to location that would allow construction of the boat lift.

3. Whether the requested variance is substantial:  Yes  No

Reasons: Applicant is requesting a one foot (1') side yard setback for KLSL – however, the boat lift has minimal impact on the northerly neighbor.

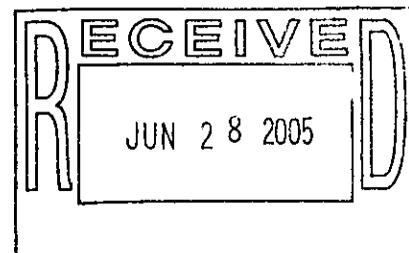
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:  Yes  No

Reasons: Many KLSL properties have similar structures.

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

Reasons: Existing configuration of the sea wall limits location of the boat lift.

Town of Urbana 2005



## Variance Findings & Decision----page 2

### 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 variance is well within the character of the neighborhood.**

The ZBA further finds that a variance of nine feet (9") 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:

**Granting the variance allows construction of the boat lift to be within the confines of the applicants 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:

Conditions: **Deck/Seating on the Corbett side of the property lot should not overhang the property line.**

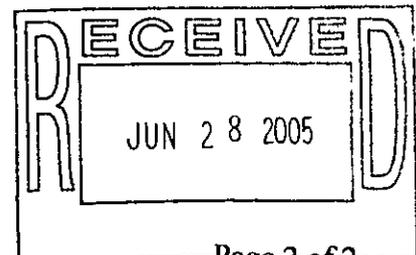
Adverse impact to be minimized: **Encroachment.**

  
 Chairman, Zoning Board of Appeals

6/23/05  
 Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	___
Member	<u>Robert Domras</u>	<u>X</u>	___
Member	<u>Richard Frey</u>	<u>X</u>	___
Member	<u>James Pitt</u>	<u>X</u>	___



Application #: 2005-028

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals---Notice of Action

Applicant

Property Owner

Name: **Steven Brandt**  
Address: **91 Northwood Drive**  
**Rochester, NY**

Name: **Steven Brandt**  
Address of property: **10564 West Lake Road**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **June 15, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

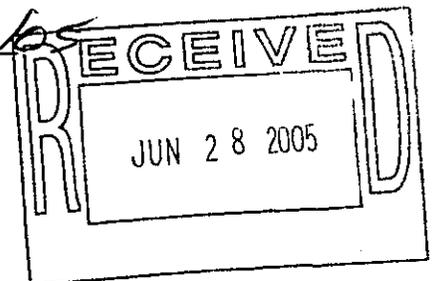
the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of **One foot (1') side yard setback KLSL** from section **105-16 C 1 (b)** the zoning ordinance/law is minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community:

**Deck/Seating on the Corbett side of the property lot should not overhang the property line.**

BY Margaret (Cepin) Salva  
Secretary, Zoning Board of Appeals

6/23/05  
Date

Town of Urbana



# TOWN OF URBANA ZONING BOARD OF APPEALS

May 18, 2005

Present: Scott Burg, Chairman  
Robert Domras  
Richard Frey  
James Pitt  
Peggy Soles, Recording Secretary

Others Present: Robert Vollmer (Architect), Neighbors; Donna & Stewart Ellis, Bob Magee (zoning officer).

Absent:

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on May 18, 2005 at 7:00 P.M. in the Town Hall.**

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:13 p.m. for Application #2005-030, Robert Vollmer has applied for a Variance on behalf of G.F. Consulting for property on 383 East Lake Road., Hammondsport, NY 14840, pursuant to Code Section 105-16-C (a) & (b) which says the front yard depth shall be a minimum of 40 feet and the side yard depth shall be a minimum of 10 feet. Mr. Vollmer is seeking relief from both the front yard and side yard setbacks.

**This variance is recognized as a Type II SEQR.**

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

Mr. Burg declared quorum is present.

Letter was received from the Town of Urbana Planning Board with no opinion.

Letter from Town of Urbana Municipal Codes Enforcement Department was received, requiring a variance be granted prior to construction.

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

One letter from neighbor was received with no negative opinion in regards to the variance.

Site Plans were reviewed.

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

The Public Hearing closed at 8:10 p.m.

Applicant: Vollmer (5/18/05)

Old Business:

None

New Business:

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 8:15 p.m.

Board member Mr. Frey made a motion to approve the minutes of the meeting of April 21, 2005 as submitted. Seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion carried by unanimous vote.

The application (2005-030), Mr. Vollmer was discussed with discussion between zoning officer and ZBA in regards to Keuka Lake Shoreline lots.

A motion was made by Mr. Frey and seconded by Mr. Pitt to accept the findings.

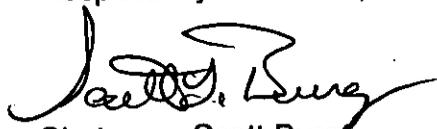
ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Domras made a motion to approve the variance.  
Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion to adjourn at 9:05 p.m. made by Mr. Domras and seconded by Mr. Pitt and carried by a unanimous voice vote.

Respectfully submitted,

  
Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals

Fee: \$175.00 Application #: **2005-030** Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 383 East Lake Road, Hammondsport, NY 14840

Requirement for which Variance is Requested: Front side setback (Deck-West) minimum variance of ten feet 4 inches, side yard setback (Stairs-North) minimum variance of one foot 0 inches, side yard setback (Fireplace- South) minimum variance of two feet 0 inches.

Application Section of Town Zoning Code: 105-16-C (a) & (b)

### FACTORS CONSIDERED:

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

Reasons: **Variations are reasonable and within character of the surrounding structures and neighborhood.**

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

Reasons: **Other alternatives would not allow reasonable use of the property. Variations are minimum required.**

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

Reasons: **Minimum variations required to allow reasonable use of the property.**

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

Reasons: **Well within the character of the surrounding neighborhood.**

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

Reasons: **Lot size is adequate to construct a structure that would require no variations, (applicant has applied for relief after the fact).**

Applicant: Vollmer, # 2005-030 (5/18/05)

## Variance Findings & Decision----page 2

### 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.

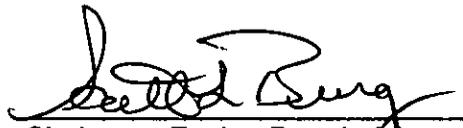
Reasons: **Minimum variance required to allow reasonable use. Variances are well within character of the neighborhood.**

The ZBA further finds that a variance of **Front side setback (Deck-West) minimum variance of ten feet 4 inches, side yard setback (Stairs-north) minimum variance of one foot, side yard setback (Fireplace- south) minimum variance of two feet** from section **105-16-C (C) &(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:

**It allows reasonable use of the existing structure and addresses an oversight by the applicant.**

Conditions: **North side ditch between 383 & 385 Hammondsport Area East needs to be re-established to original condition prior to construction.**

Adverse impact to be minimized: **Control erosion and flooding of adjacent land owner and impact on the town road.**

  
Chairman, Zoning Board of Appeals

6/1/05  
Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	___
Member	<u>Robert Domras</u>	<u>X</u>	___
Member	<u>Richard Frey</u>	<u>X</u>	___
Member	<u>James Pitt</u>	<u>X</u>	___

Application #: 2005-030

Tax Parcel: \_\_\_\_\_

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

### AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals---Notice of Action

Applicant

Property Owner

Name: **Robert Vollmer**  
Address: **14720 S.R #54**  
**Dundee, NY 14837**

Name: **G.F. Consulting**  
Address: **383 East Lake Road**  
**Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **May 18, 2005**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined that:

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

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of **Front side setback (Deck-West) minimum variance of ten feet 4 inches, side yard setback (Stairs-North) minimum variance of one foot 0 inches, side yard setback (Fireplace- South) minimum variance of two feet 0 inches.** from section 105-16 C (a) & (b) the zoning ordinance/law is 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. The following condition is necessary in order to minimize adverse impacts upon the neighborhood or community:

**North side ditch between 383 & 385 Hammondsport Area East needs to be re-established to original condition prior to construction.**

BY *Penny Sales*  
Secretary, Zoning Board of Appeals

*6/1/05*  
Date

Town of Urbana

# TOWN OF URBANA ZONING BOARD OF APPEALS

April 21, 2005

Present: Scott Burg, Chairman  
Robert Domras  
Richard Frey  
James Pitt  
Peggy Soles, Recording Secretary

Others Present: John Strawway

Absent: Jerauld Holcombe, Norman Hann

**The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on April 21, 2005 at 7:00 P.M. in the Town Hall.**

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:10 p.m. for Application #2005-021, John Strawway, 8650 Longwell Rd., Hammondsport, NY 14840, has applied for a Variance for property at this location, owned by Deborah Herrick, 6832 County Route 15, Bath, NY 14810, pursuant to Code Section 105-15-C1-C which says structures shall be a minimum of fifty feet from the rear property line. Mr. Strawway is seeking relief from rear yard setbacks.

**This variance is recognized as a Type II SEQR.**

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 letter was received from the Town of Urbana Planning Board .

No negative opinion from the County or any other government agency was received and read into record.

No letters from neighbors were received.

Survey Property Map was reviewed.

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

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

Applicant: Straw way (4/21/05)

Old Business:

None

New Business:

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:22 p.m.

Board member Mr. Domras made a motion to approve the minutes of the meeting of July 28, 2004 as submitted. Seconded by Mr. Frey .

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion carried by unanimous vote.

The application (2005-021), Mr. Strawway was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Mr. Pitt made a motion to approve the variance.

Motion seconded by Mr. Burg.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Richard Frey	Aye
	James Pitt	Aye

Motion to adjourn at 7:40 p.m. made by Mr. Frey and seconded by Mr. Burg and carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg  
Town of Urbana  
Zoning Board of Appeals

Fee: 75.00 Application #: **2005-021** Tax Parcel: 132.00-01-035.000

## Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR2

**AREA**

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Variance Findings & Decision

Property Location: 8650 Longwell Road, Hammondsport, NY 14840

Requirement for which Variance is Requested: Rear Yard setback.

Application Section of Town Zoning Code: 105-15-C1(C)

### FACTORS CONSIDERED:

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

Reasons: **Very rural area, existing building condition is poor. New building will be a major improvement.**

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

Reasons: **Non-conforming lot size. Lot is narrow in width and limited by existing septic system to relocation of new structure.**

3. Whether the requested variance is substantial:  Yes  No

Reasons: **Requested variance is minimum needed to construct new building, plus or minus two feet variance required.**

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

Reasons: **Will be in character with surrounding area.**

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

Reasons: **Limited by narrow lot width and existing septic system.**

## Variance Findings & Decision----page 2

### 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: **Minimum variance required to construct new structure. With limited lot width and existing septic system, this variance has minimal impact on existing lot and surrounding properties.**

The ZBA further finds that a variance of plus or minus two feet from section 105-15-C1 (C) 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:

**The applicant is limited by existing non-conforming lot and the location of the existing septic system.**

Conditions: **None**

  
 Chairman, Zoning Board of Appeals

5/12/05  
 Date

### RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair	<u>Scott Burg</u>	<u>X</u>	___
Member	<u>Robert Domras</u>	<u>X</u>	___
Member	<u>Richard Frey</u>	<u>X</u>	___
Member	<u>James Pitt</u>	<u>X</u>	___

Application #: 2005-021

Tax Parcel #: 132-00-01-035.000

# Town of Urbana

41 Lake Street  
P.O. Box 186  
Hammondsport, NY 14840

# VR3

## AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

## Zoning Board of Appeals—Notice of Action

*Applicant*

*Property Owner:*

Name John Strawway

Name Deborah Herrick

Address 8650 Longwell Rd

Address 6832 Co. Rt 15

Hammondsport, NY

Bath, NY

At a meeting of the Zoning Board of Appeals on April 21, 2005, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning ordinance/law as requested in your appeal:  
\_\_\_\_\_ (attach copy of resolution) \_\_\_\_\_

Request for an area variance. By resolution of the board, it was determined 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 and a variance of ± 2' IS THE MINIMUM VARIANCE

\_\_\_\_\_ from Section 105-15-C16 of the zoning

ordinance/law 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. The following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

attach copy of conditions

BY Peggy Sales

4/21/05

Secretary, Zoning Board of Appeals

Date