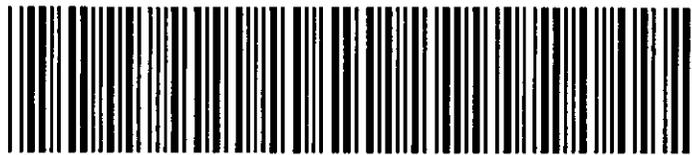


Zoning Board



2006



TOWN OF URBANA ZONING BOARD OF APPEALS

May 31, 2006

Present: Scott Burg, Chairman
Nichole Dresser
Robert Domras
Richard Frey
Richard Watson
Peggy Soles, Recording Secretary

Others Present: Keith and Bonnie Gustin, Kenneth Anderson (neighbor to the south), Maureen Cohn, (interested party), Patricia and Robert Stuart (neighbors to the south), Edgar Sanford neighbor to the south), Mal Lane interested party - Real Estate Agent for the Gustins)

Absent:

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on May 31, 2006 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 7:09 p.m. for Application #2006-026, Keith and Bonnie Gustin who reside at 311 Haverling Street , Bath, New York, 14810, who have filed a Notice of Appeal of the Code Enforcement Officer Interpretation of Town Code pursuant to Chapter 105-58.

The issue is as follows:

The parcel was formed by merging lots 5, 5A, 6 & 6A.

Subdivision zoning started in 1987.

The parcel was in existence when zoning took place.

The applicant wants to go back to the original lots.

The original lots do not meet all subdivision requirements;

A. Lake frontage is 147'. 50' width required

B. Area will NOT meet requirements. 10,000 sq ft minimum on lake.

C. The area above the road would not meet 250' road frontage.

A pre-existing non-conforming parcel, if subdivided would result in two non-conforming lots, each smaller.

Mr. Burg declared quorum is present.

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

No opinion from the Steuben County Planning Department was received.

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

No letters from the neighbors were received.

Survey map was reviewed and is on file.

Letter to Dave Oliver from Patricia Stuart with concern of right of way for ingress & egress of driveway was read into record and is on file.

The applicant and Board members discussed the application purpose. Mrs. and Mr. Gustin explained the issues of the parcel 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 7:51 p.m. (Mr. Burg called a short recess).

Old Business:

None

New Business:

Mr. Burg opened the Regular Business Meeting of the Zoning Board of Appeals at 8:05 p.m.

Board member Mr. Frey made a motion to approve the minutes of the meeting of May 17, 2006 as submitted. Seconded by Ms. Dresser.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion carried by unanimous vote.

The application (2006-026), Mr. & Mrs. Gustin was discussed.

A motion was made by Mr. Domras and seconded by Mr. Watson to accept the findings of the ZBA Board's determination that this parcel is composed of four (4) lots as described on survey map, dated August 26, 1947, filed with the Steuben County clerk as map # 1107 by R. Berlureau and certified by Robert E. Sweet .

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion to adjourn at 8:25 p.m. made by Mr. Burg and seconded by Mr. Frey and carried by a unanimous voice vote.

Respectfully submitted,

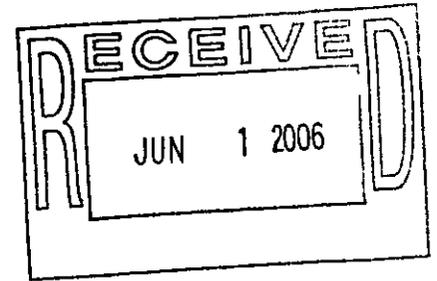


Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals
SB:ps

TOWN OF URBANA ZONING BOARD OF APPEALS

May 17, 2006

Present: Scott Burg, Chairman
Nichole Dresser
Robert Domras
Richard Frey
Richard Watson
Peggy Soles, Recording Secretary



Others Present: George Treichler

Absent:

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on May 17, 2006 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 7:08 p.m. for Application #2006-024, George and Lisa Treichler who have applied for an Area Variance pursuant to Town of Urbana Code 105-15-C.(1)a., which requires that the front yard setback shall be fifty (50) feet. The Treichlers are seeking relief from this requirement so that they can locate a garage forty (40) feet from the property line on their property at 8033 Van Amburg Road, Hammondsport, New York.

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.

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

No letters from the neighbors were received.

Site plan view was reviewed and is on file.

The applicant and Board members discussed the application purpose. Mr. Treichler 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 7:21 p.m.

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 Ms. Dresser made a motion to approve the minutes of the meeting of May 1, 2006 as submitted. Seconded by Mr. Domras.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion carried by unanimous vote.

The application (2006-024), Mr. Treichler was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Mr. Frey made a motion to grant the variance.

Motion seconded by Ms. Dresser.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion to adjourn at 7:42 p.m. made by Mr. Domras 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

Fee: _____ Application #: 2006-024 Tax Parcel: _____

Town of Urbana
41 Lake Street
P.O. Box 186
Hammondsport, NY 14840
Applicant: Treichler (5/17/06)

VR2
AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Variance Findings & Decision.

Property Location: **8033 Van Amburg Road, Hammondsport, NY 14840**

Requirement for which Variance is Requested: **Ten (10) foot variance of front yard setback in a fifty (50) foot required setback – agricultural district.**

Application Section of Town Zoning Code: **105-15-C.(1)a**

FACTORS CONSIDERED:

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

Reasons: **No impact on character of the neighborhood – very rural area. Little or no effect to traffic.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance:

Yes No

Reasons: **Applicant could locate proposed structure elsewhere on property. However, applicant feels this is the proper location for reasonable use.**

3. Whether the requested variance is substantial: Yes No

Reasons: **Granting forty (40) setback verses fifty (50) foot setback is minimum needed to allow reasonable use.**

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

Reasons: **Requested variance will have little or no impact on surroundings or character of the neighborhood.**

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

Applicant does have other alternative locations to place structure without requesting a variance.

Variance Findings & Decision---page 2

Applicant: Treichler (5/17/06)

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 this variance allows applicant reasonable use with little or no impact on neighbors or surrounding properties.

The ZBA further finds that a variance of **ten (10) feet** from section **105-15-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:

Since location is very rural a fifty (50) foot setback is not needed to protect character of the neighborhood and surroundings.

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: **None**

Adverse impact to be minimized:

Condition No. 2:

Adverse impact to be minimized:


Chairman, Zoning Board of Appeals

5/31/06
Date

RECORD OF VOTE

MEMBER NAME	AYE	NAY
Chair: Scott Burg	<u>X</u>	___
Member: Robert Domras	<u>X</u>	___
Member: Richard Watson	<u>X</u>	___
Member: Nichole Dresser	<u>X</u>	___
Member: Richard Frey	<u>X</u>	___

Application #: 2006-024 Tax Parcel: _____

Town of Urbana

41 Lake Street
P.O. Box 186
Hammondsport, NY 14840
(5/17/06)

VR3

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Zoning Board of Appeals--Notice of Action

Applicant

Property Owner

Name: **George & Lisa Treichler**

Name: **George & Lisa Treichler**

Address: **8033 Van Amburg Road
Hammondsport, New York 14840**

Address: **8033 Van Amburg Road
Hammondsport, New York 14840**

At a meeting of the Zoning Board of Appeals on **May 17, 2006**, 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:

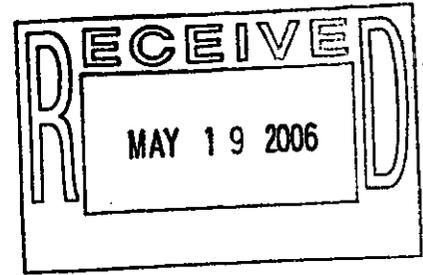
the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community.

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of a **ten (10) foot front yard setback** from Section **105-15-C.(1)a** of 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 conditions are necessary in order to minimize adverse impacts upon the neighborhood or community: **No conditions**

BY Margaret (Regan) Soder 5/31/06
Secretary, Zoning Board of Appeals Date

TOWN OF URBANA ZONING BOARD OF APPEALS

May 1, 2006



Present: Scott Burg, Chairman
Nichole Dresser
Richard Frey
Richard Watson
Peggy Soles, Recording Secretary

Others Present: Lawrence White, Frank & Barbara Zamiara (neighbors to the north), Brent Hill (neighbor to the south)

Absent: Robert Domras

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on May 1, 2006 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 #2006-015, Lawrence White, who has applied for three (3) Area Variances on his property at 10090 West Lake Road, Hammondsport, New York:

1. Town Code Section 105-16C.(b). requires a ten (10) foot side yard setback. Mr. White is seeking a five (5) foot variance from this requirement.
2. Town Code Section 105-16C.(d)(1). which requires a fifteen (15) foot front yard setback. Mr. White is seeking a seven (7) foot variance from this requirement.
3. Town Code Section 105-16C.(3). restricts structures to two and one half (2 ½) stories having a total height not to exceed thirty five (35) feet. Mr. White is seeking relief to construct a three story residence which will be less than thirty five (35) feet.

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.

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

No concerns from the neighbors to the north.

Neighbor to the south had concern in regards to contamination of debris, smoke and water run off into the lake.

Site plan view was reviewed and is on file.

The applicant and Board members discussed the application purpose. Mr. White 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 7:22 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. Watson made a motion to approve the minutes of the meeting of February 15, 2006 as submitted. Seconded by Ms. Dresser.

ROLL CALL VOTE:	Scott Burg	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion carried by unanimous vote.

The application (2006-015), Mr. White was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Ms. Dresser made a motion to grant the variance.

Motion seconded by Mr. Watson.

ROLL CALL VOTE:	Scott Burg	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

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

Respectfully submitted,



Chairman, Scott Burg

Town of Urbana

Zoning Board of Appeals

SB:ps

Application #: 2006-015 Tax Parcel: _____

Town of Urbana

VR3

41 Lake Street
P.O. Box 186
Hammondsport, NY 14840
(5/1/06)

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Zoning Board of Appeals—Notice of Action

Applicant

Property Owner

Name: **Lawrence F. White**

Name: **Lawrence F. White**

Address: **40 Haver Farm Road
Clinton, New Jersey 08809**

Address: **40 Haver Farm Road
Clinton, New Jersey 08809**

At a meeting of the Zoning Board of Appeals on **May 1, 2006**, 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.

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a **Five (5) foot variance on Gully Northside (105-16 R C-1-b) and Seven (7) foot variance on Lake Eastside (105-16 R C-1-D-1) and build a three story structure, not a two and a half story as zoning permits (105-15-C-3-A)** (from Sections of the Zoning Codes mentioned above 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 conditions are necessary in order to minimize adverse impacts upon the neighborhood or community: **No conditions**

BY *Margaret (Peggy) Sales* 5/17/06
Secretary, Zoning Board of Appeals Date

Fee: _____ Application #: 2006-015 Tax Parcel: _____

Town of Urbana

41 Lake Street
P.O. Box 186

Hammondsport, NY 14840

Applicant: White 3rd (5/1/06)

(Second)

VR2

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Variance Findings & Decision

Property Location: **10090 West Lake Road, Hammondsport, NY 14840 (White)**

Requirement for which Variance is Requested: **Build a three story structure, not a two and a half story as zoning permits.**

Application Section of Town Zoning Code: **105-15-C-3-A**

FACTORS CONSIDERED:

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

Reasons: **Steep rear bank, narrow lot and septic system limit use of building space. Existing surrounding structures are similar in character.**

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

Reasons: **The geological nature of the lot, limits use. Third floor egress/ingress allows applicant reasonable use of the property – without the expense of mechanical means to ascend/descend.**

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

Reasons: **Raising from two and half stories to three stories (half story) and still remaining under the maximum allowable of 35 feet is the minimum variance needed 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 X No

Reasons: **In character with surrounding neighborhood, typical of West Lake road lots.**

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

Lot is geologically challenged. Steep bank – narrow width (lake to road) is minimum variance required to allow reasonable use.

Variance Findings & Decision----page 2

Applicant: White 3rd (5/1/06)
(Second)

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: **half story variance and the fact that the total building height does not exceed in the minimum needed for reasonable use of the property.**

The ZBA further finds that a variance of **half story** from section **105-15-C-3-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:

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: **None**

Adverse impact to be minimized:

Condition No. 2:

Adverse impact to be minimized:


Chairman, Zoning Board of Appeals

5/16/06
Date

RECORD OF VOTE

MEMBER NAME	AYE	NAY
Chair: Scott Burg	<u>X</u>	___
Member: Robert Domras		<u>Absent</u>
Member: Richard Watson	<u>X</u>	___
Member: Nichole Dresser	<u>X</u>	___
Member: Richard Frey	<u>X</u>	___

Fee: _____ Application #: 2006-015 Tax Parcel: _____

Town of Urbana

41 Lake Street
P.O. Box 186

Hammondsport, NY 14840

Applicant: White 3rd (5/1/06)

(First)
AREA

VR2

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Variance Findings & Decision

Property Location: 10090 West Lake Road, Hammondsport, NY 14840

Requirement for which Variance is Requested: Five (5) foot variance on Gully Northside (105-16 R C-1-b) and Seven (7) foot variance on Lake Eastside (105-16 R C-1-D-1)

Application Section of Town Zoning Code: Gully Northside 105-16 R C-1-b and Lake Eastside (105-16 R C-1-D-1)

FACTORS CONSIDERED:

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

Reasons: Lot is narrow in width with steep bank on rear side, only reasonable area to expand on is Lake side.

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

Reasons: For applicant to have reasonable use of property, these minimal variances allow applicant use of property. Applicant has kept a majority of the new construction on original Footprint. Lot does not allow for road side encroachment.

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

Reasons: Minimal required to accomplish new construction.

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

Reasons: New construction is in character with surrounding neighborhood.

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

Steep rear bank and narrow width between lake and rear bank does not allow for setting new structure further back from lake.

Variance Findings & Decision----page 2

Applicant: White 3rd (5/1/06)
(First)

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: **Minimal variance required for reasonable use of property.
New structure will be in character of surrounding neighborhood.**

The ZBA further finds that a variance of **Five (5) foot variance Gully Northside** from section **105-16 R C-1-b** and **Seven (7) foot variance Lake Eastside** from section **105-16 R C-1-D-1** of the Zoning Code are the minimum variances 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:

Site factors such as steep bank, narrow width, and septic system dictate that the only feasible location is on existing footprint with minimal variance granted to allow new construction.

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:

NO CONDITIONS


Chairman, Zoning Board of Appeals

5/17/06
Date

RECORD OF VOTE

MEMBER NAME	AYE	NAY
Chair - Scott Burg	<u>X</u>	___
Member - Robert Domras	<u>Absent</u>	
Member - Richard Watson	<u>X</u>	___
Member - Nichole Dresser	<u>X</u>	___
Member - Richard Frey	<u>X</u>	___

TOWN OF URBANA ZONING BOARD OF APPEALS
February 15, 2006

Present: Scott Burg, Chairman
Robert Domras
Nichole Dresser
Richard Frey
Richard Watson
Peggy Soles, Recording Secretary

Others Present: Scott Graham

Absent:

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on February 15, 2006 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 7:06 p.m. for Application #2006-010, Scott Graham, who has applied for an Area Variance for property located at 10436 West Lake Road, Hammondsport, NY, which is owned by Ralph Habib, pursuant to Town of Urbana Code Section 105-16 C (d) 1 which requires that the front yard setback shall be fifteen (15) feet. Mr. Graham is seeking relief from this requirement so that he can locate a deck that extends to the seawall at the front of the property.

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.

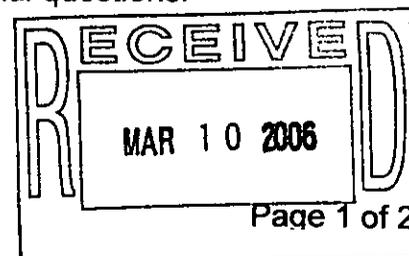
Letter from the Town of Urbana Planning Board with no opinion was received.

Site plan view was reviewed and is on file.

No letters from neighbors were received.

The applicant and Board members discussed the application purpose. Mr. Graham 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 7:15 p.m.



ZBA-Graham(2/15/06)

Old Business:

None

New Business:

Mr. Burg opened the Regular Business Meeting of the Zoning Board of Appeals at 7:16 p.m.

Board member Mr. Domras made a motion to approve the minutes of the meeting of January 18, 2006 as submitted. Seconded by Ms. Dresser.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion carried by unanimous vote.

The application (2006-010), Mr. Graham was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

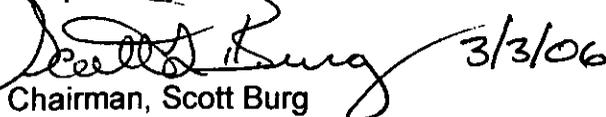
Mr. Frey made a motion to grant the variance.

Motion seconded by Mr. Watson.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion to adjourn at 7:38 p.m. made by Mr. Domras and seconded by Ms. Dresser and carried by a unanimous voice vote.

Respectfully submitted,

 3/3/06

Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

SB:ps

Fee: _____ Application #: 2006-010 Tax Parcel: _____

Town of Urbana

41 Lake Street
P.O. Box 186
Hammondsport, NY 14840
Graham (2/15/06)

VR2

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Variance Findings & Decision

Property Location: 10436 West Lake, Hammondsport, NY 14840

Requirement for which Variance is Requested: Front yard setback Keuka Lake Shoreline zero (0) foot setback.

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

FACTORS CONSIDERED:

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

Reasons: Minimal impact on surrounding neighborhood.

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

Reasons: Deck construction is the most practical solution to alleviate erosion problems and create safe and usable space.

3. Whether the requested variance is substantial: Yes No

Reasons: Requesting fifteen (15) foot of fifteen (15) foot setback is substantial.

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

Reasons: Minimal impact on physical or environmental condition in neighborhood.

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

Reasons: Conditions caused by muskrats and wave erosion.

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: Constructing deck at grade alleviates the continual erosion and settling problems that have occurred on site. Very minimal impact on character of the neighborhood.

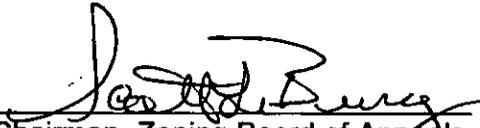
The ZBA further finds that a variance of fifteen (15) foot from section 105-16 C(d) 1 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

Allows applicant reasonable use of the property.

CONDITIONS: The ZBA finds that the following no conditions in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: None

Adverse impact to be minimized: N/A


Chairman, Zoning Board of Appeals

3/3/06
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>Nichole Dresser</u>	<u>X</u>	___
Member	<u>Richard Watson</u>	<u>X</u>	___

Application #: 2006-010

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: **Scott Graham**
Address: **11495 West Lake Road**
Hammondsport, NY 14840

Name: **Ralph Habib**
Address of property: **10436 West Lake Road**
Hammondsport, NY 14840

At a meeting of the Zoning Board of Appeals on **February 15, 2006**, 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 **fifteen (15) foot Front yard setback in Keuka Lake Shoreline** from section **105-16 C (d) 1** 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 condition is necessary in order to minimize adverse impacts upon the neighborhood or community: **None**

BY *Peggy Solis*
Secretary, Zoning Board of Appeals

3/3/06
Date

Town of Urbana

TOWN OF URBANA ZONING BOARD OF APPEALS
January 18, 2006

Present: Scott Burg, Chairman
Robert Domras
Nichole Dresser
Richard Frey
Richard Watson
Peggy Soles, Recording Secretary

Others Present: Maureen Cohn, Larry Foster (general public)

Absent:

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on January 18, 2006 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 #2005-110, 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.

Site plan was reviewed and is on file.

No letters from neighbors were received.

The applicant and Board members discussed the application purpose. Mrs. Cohn 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 7:18 p.m.

Old Business:

Variance for Patricia Meyers was discussed in regards to a time limit being put on when the structure should moved back from the guard rail to be equal the existing mobile home. After reviewing the code # 105-59 which states compliance will be met within one year of variance, It was decided a letter would be written to Bob Magee to inform Ms. Meyers of this fact or the variance shall be revoked.

New Business:

Mr. Burg opened the Regular Business Meeting of the Zoning Board of Appeals at 7:25 p.m.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion carried by unanimous vote.

The application (2005-110), Mrs. Cohn was discussed.

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

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

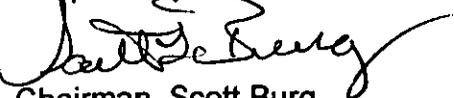
Mr. Domras made a motion to grant the variance with condition.

Motion seconded by Mr. Frey.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Nichole Dresser	Aye
	Richard Frey	Aye
	Richard Watson	Aye

Motion to adjourn at 7:55 p.m. made by Mr. Domras 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

6005 E 837



RECEIVED
FEB 3 2006

Application #: 2005-110

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: **Maureen Cohn**
Address: **9400 West Lake Road**
Hammondsport, NY 14840

Name: **Maureen Cohn**
Address of property: **9400 West Lake Road**
Hammondsport, NY 14840

At a meeting of the Zoning Board of Appeals on **January 18, 2006**, 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 two (2) foot of fence height from section **105-28 A** 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 condition is necessary in order to minimize adverse impacts upon the neighborhood or community: **Fence will be within New York State Department of Transportations right of way.**

BY *Randy Seals*
Secretary/Zoning Board of Appeals

2/1/06
Date

Town of Urbana

Fee: _____ Application #: 2005-110 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: **9400 West Lake, Hammondsport, NY 14840**

Requirement for which Variance is Requested: **Use of six (6) foot high fence along 54-A to stop snow / debris falling down the bank.**

Application Section of Town Zoning Code: **105-28 A**

FACTORS CONSIDERED:

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

Reasons: **Location of the fence will not limit view of neighbors. Actual fence height at road grade will be less than six (6) feet.**

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

Reasons: **Applicant could cut two (2) feet from the top of the fence to meet four (4) foot allowed.**

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

Reasons: **New proposed location of the fence, six (6) foot high fence is within reasonable use.**

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

Reasons: **No impact on character of the neighborhood.**

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

Reasons: **Four (4) foot fence could be used in lieu of a six (6) foot fence.**

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.

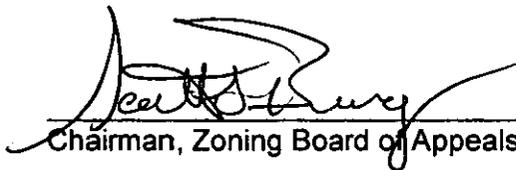
Reasons: Granting a variance for a six (6) high fence is reasonable and within character of the neighborhood. Placement of the fence will not impede views of the surrounding neighbors.

The ZBA further finds that a variance of two (2) foot from section 105-28 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: **Fence has no impact on the neighbor's view and is within character of the neighborhood. Fence will protect applicants property and assets.**

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: **If the fence is within New York State Department of Transportations right of way. Applicant will need appropriate permits to erect fence on New York State Department of Transportations right of way.**

Adverse impact to be minimized: **Encroachment onto New York States Department of Transportations right of way.**


Chairman, Zoning Board of Appeals

2/1/06
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>Nichole Dresser</u>	<u>X</u>	___
Member <u>Richard Watson</u>	<u>X</u>	___