

**Town of Urbana
Planning Board Minutes
March 3, 2009**

Board Present	Randy Robinson	Chairman
	Betty Fitzpatrick	Board Member
	Andy Mazzella	Board Member
	Norm Hann	Board Member
	Carly McConnell	Recording Secretary
Public Present	Jill Regan	
	Tom Marshall	

Regular Meeting: Opened 7:02PM

A. Minutes:

- a. Minutes were reviewed from the regular meeting on February 3, 2009. Mrs. Fitzpatrick made a motion to approve the minutes of February 3, 2009 as submitted. Seconded by Mr. Hann.

B. Old Business:

- a. Snug Harbor – The Board held a discussion regarding this matter. Mr. Wilson and Mr. Tompkins were not present at the meeting. Concerned neighbor, Mrs. Regan was present. CEO, Magee provided the Board with a copy of Snug Harbor’s Liquor Renewal Application. The renewal was for a basic license.
 - i. Findings:
 1. The Town of Urbana official zoning map was adopted February 8, 1988, consequently all areas between Keuka Lake and Route 54-A were designated Residential. At that time, the Snug Harbor Restaurant was classified a pre-existing, non-conforming use.
 2. According to The American Heritage Dictionary the definition of a restaurant is “A place where meals are served to the public.”
 3. The public file contains numerous exhibits of advertised musical entertainment since February 8, 1988. No evidence was submitted such entertainment was enjoyed or existed prior to that date.
 4. Town Code section 105-10 C does consider Business use: a “theater or concert hall” to be a special use.
 5. The operators own admission did refer to musical entertainment that on occasions “was too loud.”
 6. It is reasonable and prudent to question in part, in view of all the attendant facts and circumstances obtained, the current intensity of use is equal to or more than that which was present before February 8, 1988.
 7. In review of a current renewal application for an On-Premise Alcoholic Beverage License by the Principal Legal Entity, a “Juke Box” was the only stated description (12.) under Type of Establishment.
 8. While acknowledging a pre-existing and non-conforming business use in a residential district, this distinction should not be considered an open invitation to promote, conduct, or increase the intensity of use in the name of “personal financial gain” while escaping the consequences of material failures on the surrounding neighborhood.

- ii. Mr. Hann made a motion accept the findings. Seconded by Mrs. Fitzpatrick. Roll Call Vote: Hann-aye, Mazzella-aye, Fitzpatrick-aye, Robinson-aye.
 - iii. Mr. Mazzella made a motion with respect to the aforementioned findings and consideration given to the, owners, and operators of the Snug Harbor Restaurant: The Town of Urbana Planning Board does hereby find and resolve the current practice of outdoor entertainment, associated activities, and structures (musical and other) does constitute an intensification of use, (reference February 8, 1988) and does require a special use permit. Seconded by Mrs. Fitzpatrick. Roll Call Vote: Hann-aye, Mazzella-aye, Fitzpatrick-aye, Robinson-aye.
 - iv. A notice of decision will be sent to Mrs. Stull, Mr. Wilson & Mr. Tompkins.
- b. Concept Review:
- i. Martin Ellis Application #2009-022 - Applicant was not present at the meeting. File contains a letter from applicant giving Mr. Brotherton permission to act on his behalf in this matter. The proposed project is to demo the existing 2 storey cottage and replace with a new 2 storey cottage with in the same footprint. Board held discussion with Mr. Brotherton. Mrs. Fitzpatrick made a motion to move to full site plan review. Seconded by Mr. Hann. Roll Call Vote: Hann-aye, Mazzella-aye, Fitzpatrick-aye, Robinson-aye.
- C. Planning Board Issues:
- a. The Board will continue to review the information they received last month from CEO, Oliver regarding the tax issues for condominiums and co-op apartments.
 - b. Board will ask the Town Board to approve Mr. Tom Marshall as an alternate for the Planning Board.
- D. Motion to Adjourn:
- a. Mr. Hann made a motion to adjourn the meeting. Seconded by Mrs. Fitzpatrick.
 - b. Meeting adjourned at 8:24PM

Respectfully Submitted,

Carly McConnell
Recording Secretary