

**Town of Urbana  
Zoning Board of Appeals  
Minutes  
August 24, 2011**

**Board Members Present:**

Richard Watson	Chairman
Richard Frey	Board Member
Charlie Egresi	Board Member
Mike Adams	Board Member

**Board Members Absent:**

Nichole Dresser	Board Member
Bob Domras	Alternate
Carly McConnell	Recording Secretary

**Others Present:**

Linda Spencer	Terrance Woodworth
Jeff Gilbert	Tom & Donna Noteware
Leigh Clark	Barb Dunlap
Barb & Frank Zamiara	Ian Wyrda

The Town of Urbana Zoning Board of appeals held a meeting August 24, 2011 at the Town Hall.

Chairman, Watson stated he had a quorum.

Chairman, Watson opened the public hearings at 7:02PM.

Chairman, Watson stated that the application on the agenda for August 24 was a type 2 for SEQR. Files contain notice of public hearings placed in the Corning Leader on August 10, 2011.

Ian S. Wydra (Application #2011-063), 8312 CR 88, Hammondsport; has applied for a variance to build a garage at 10277 Glen Grove Point, Hammondsport, NY for Barb and Frank Zamiara. Applicant is seeking relief from Town Codes:

1. 105-16 B (1) (b) – Side yard depth minimum of 10 feet
2. 105-16 B (1) (d) (2) – Rear yard depth shall be a minimum of 20 feet.

Applicants Barb and Frank Zamaira and their builder, Ian Wydra were present.

M239 was returned; deferring to local judgment.

Planning Board deferred an unfavorable opinion in this matter, leaving decision to the best judgment of the Zoning Board of Appeals. Planning Board choose not to enter any opinion is this matter, but requested the ZBA Board to consider that the relief sought is substantial and hardship is self created.

The Board did not receive any letters from neighboring property owners. Audience was composed entirely of neighbors.

Neighbors received a notice of public hearing letter which were returned but resent to their lake addresses.

Ian Wydra, builder, explained the project and stated that the second story would consist essentially of trusses with the intent for storage purposes only, not suitable for a living space. Also that the reason setbacks were necessary was due to the nature of the topography of the area and that what appears to be a suitable area is actually a leach field for septic.

Mr. Zamaira explained the purpose of the project for storage and garage only as the dwelling has only a crawl space which is wet in the spring.

Ms. Spencer spoke in favor of the project, stated that the adjoining area to the setback area is a common area shared by all residents of the Point, would not encroach on the neighbors rights to park. She also stated that based on the Zamaira's reputation, the project would be tasteful, well maintained and built to the highest standards possible.

Mr. Woodworth was concerned about whether disturbing the area during the placement of a footer would compromise the existing driveway or watercourse. Mr. Wydra answered that that his intent is to be no closer to these areas than he has to be and that is what is causing the side yard setback variance. Mrs. Zamaira assured all that as they were the residents 36 years ago who had built the driveway, the underpinning of concrete would be sufficient, and if there were any problems, they would be responsible for making all repairs. Mr. Wydra additionally stated that he assumed that drainage from the roof would not affect the common area as he would use the watercourse for drainage.

Donna Noteware asked if the structure could be moved further to the south or closer to the lake and Tom Noteware had concerns about flooding in the spring in the culvert/watercourse. Mrs. Zamaira replied that they wished to keep an existing bridge so that if work was necessary on the property it could still be used, and that flooding that has occurred in the past would not have been any different had a garage been in place at that time. Also that by moving the location, the setbacks would basically remain the same and the intent was to locate as far back on the property as possible.

Board member Mike Adams questioned about building on the house side of the watercourse. Mr. Wydra replied that because the survey does not reflect the topography of the area, that it is actually terraced and there is a septic field in the area.

Board member Dick Frey had questions as to the eventual height of the building and was shown tentative rendering and approximate height of 22 feet.

There were no other public or board questions or concerns.

Mr. Frey made a motion to close the public hearings at 7:25PM. Seconded by Mr. Adams. Roll Call Vote: Frey-aye, Egresi-aye, Adams-aye, Watson-aye.

**Regular Meeting Opened: 7:26PM**

Minutes were reviewed from May 18, 2011 and June 1, 2011. Mr. Frey made a motion to approve the minutes as submitted. Seconded by Mr. Egresi. Roll Call Vote: Frey-aye, Egresi-aye, Adams-aye, Watson-aye.

Ian Wydra - Application #2011-063

Board held discussion.

Rear and Side Yard Depth

The Board reviewed VR2 Variance Findings & Decision. Mr. Frey made a motion to approve the findings. Seconded by Mr. Adams.

Roll Call Vote:

Frey	Aye
Egresi	Aye
Adams	Aye
Watson	Aye

Mr. Frey made a motion to approve the application. The Board would not second the motion.

Discussion followed and it was felt that further information from the DOT should be sought regarding any concerns they might have about the culvert/watercourse. Mr. Adams made an addition comment as to the nature of the topography and how it is unique to this location and should be further considered in the findings.

Mr. Adams made a motion for the Board to table the remainder of Application #2011-063 until a later time until further findings from the DOT could be obtained. Mr. Frey seconded. Roll Call Vote: Frey-aye, Egresi-aye, Adams-aye, Watson-aye.

Mr. Frey made a motion to close the meeting at 8:30PM. Seconded by Mr. Adams. All in favor.

Respectfully Submitted,

Richard C. Watson, Chairman