

Town of Urbana Zoning Board
Regular Meeting
November 10, 2021

The Town of Urbana Zoning Board of Appeals held their regular meeting on Wednesday November 10, 2021 at 5:30 pm., in the Urbana Town Hall, located at 8014 Pleasant Valley Road Bath, New York with the following members being present,

Board Present:	Scott Burg	Chairman	
	Bill Fries	Board Member	Absent
	Nicole Dresser	Board Member	
	Steve Catherman	Board Member	
	Tom Cole	Board Alternate	
	Penny Wells	Recording Secretary	

Public Present: Jonathan R. Tantillo

Meeting was called to order at 5:30 p.m. by Chairman Scott Burg.

On a motion to approve the minutes from October 7, 2021 made by Nichole Dresser and seconded by Ryan Sincerbox, all voting AYE to accept the following roll call vote:

Steve Catherman	AYE
Tom Cole	AYE
Ryan Sincerbox	AYE
Nichole Dresser	AYE
Scott Burg	AYE

OLD BUSINESS: None

NEW BUSINESS: None

Executive Session

On a motion of closing the public hearing and opening of a business meeting by Scott Burg, seconded by Nichole Dresser at 5:35 p.m. all voting AYE to accept the following roll call vote:

Scott Burg	Aye	
Nichole Dresser	Aye	
Steve Catherman	Aye	
Bill Fries		Absent
Ryan Sincerbox	Aye	
Tom Cole	Aye	Alternate

Close of public meeting 5:35 P.M.
Penny Wells was asked to be excused.

Open of business meeting for Article 78 action at 5:35 P.M.

Close of business meeting at 6:15 P.M.

Penny Wells was asked to rejoin meeting at 6:15 P.M.

On a motion to open the regular meeting back up at 6:18 P.M. by Scott Burg and seconded by Steve Catherman, all voting AYE to accept the following call vote:

Ryan Sincerbox	AYE
Nichole Dresser	AYE
Tom Cole	AYE
Steve Catherman	AYE
Scott Burg	AYE

The following resolution was made by Steve Catherman and duly seconded by Ryan Sincerbox and the vote was as follows:

Tom Cole	Aye
Nicole Dresser	Aye
Steve Catherman	Aye
Ryan Sincerbox	Aye
Scott Burg	Aye

The resolution therefore passed by a vote of 5 to 0, and was duly adopted:

WHEREAS, the Town of Urbana Zoning Board of Appeals (the "ZBA") previously received an application for a Use Variance (the "Variance") from Keuka Shores Land Company, LLC (the "Applicant"); and

WHEREAS, the ZBA granted the Variance at its August 12, 2021 meeting; and

WHEREAS, the Town of Urbana Planning Board, Michael Slowinski, Bruce White, and Mary White have commenced an Article 78 action naming the ZBA as a Respondent, by Verified Petition filed in Steuben County on September 15, 2021 in which the Petitioners challenged the grant of the Variance, and

WHEREAS, the ZBA does not admit the allegations or legal arguments contained in the Petition; and

WHEREAS, among the arguments raised in the Petition is the argument that the ZBA did not transmit a copy of the application to the Planning Board and request that the Planning Board submit to the ZBA its advisory opinion on said application as required by Zoning Code 105-56; and

WHEREAS, the ZBA recognizes that this referral did not occur; and

WHEREAS, counsel for the petitioners and counsel for the Applicant has been consulted and both agree with the course of action specified in the resolution;

NOW , THEREFORE, IT IS RESOLVED, that the August 12, 2021 grant of the Variance to the Applicant is invalid, null, and void as a result of the lack of referral to the Planning Board pursuant to Zoning Code 105-56; and

IT IS FURTHER RESOLVED, that this Resolution is issued without prejudice, and with the Applicant having full leave to resubmit its Application, at which time the Application will be considered *de novo* by the ZBA.

On a motion to adjourn by Steve Catherman and seconded by Ryan Sincerbox and carried all voting Aye to adjourn at 6:45 P.M.

Respectfully Submitted,

Penny Wells
Recording Secretary

DRAFT