

Town of Urbana Planning Board

Special Meeting

November 15, 2021

The Town of Urbana Planning Board held a special meeting on Monday November 15, 2021 at 6:00 p.m., in the Urbana Town Hall, located at 8014 Pleasant Valley Road, Bath, New York.

Board Present: Julie Vargo - Chairperson
Theresa Stopka - Vice Chairperson
Richard Niles - Board Member
Steve Jones - Board Member
Heidi Lowenstein - Board Member - Absent
Penny Wells - Recording Secretary
Barb Fries - Alternate
Janel Barrows - Alternate

Public Present: None

Meeting was called to order 6:00 pm by Chairperson Julie Vargo.

On motion made by Theresa Stopka and seconded by Steve Jones to approve **"the resolution voted on by the ZBA on Nov 10 annulling their August decision on a use variance applicant was read into the record."**

Carried all voting Aye

BE IT ENACTED BY THE TOWN PLANNING BOARD OF THE TOWN OF URBANA AS FOLLOWS:

WHEREAS, the Town of Urbana Planning Board, Michael Slowinski, in his official capacity a Code Enforcement Officer of the Town of Urbana, Bruce White and Mary White, commenced a proceeding under Article 78 of the New York Civil Practice Law and Rules in Supreme Court, Steuben County, seeking an order annulling a Use Variance Findings & Decision issued on August 12, 2021 by the Town of Urbana Zoning Board of Appeals ("ZBA"), whereby the ZBA granted a use variance to Keuka Shores Land Company, LLC ("Keuka Shores") ("Litigation"); and

WHEREAS, the ZBA has proposed to annul its own determination, so Keuka Shores may re-file its application, including for a use variance, so that the ZBA can consider such application in accordance with all applicable laws and procedures required by law, including the Town of Urbana Code; and

WHEREAS, at this time, to avoid unnecessary attorneys' fees and expense and in an effort to avoid further litigation, the Town of Urbana Planning Board, the ZBA and Keuka Shores are exploring a compromise through which the litigation would be stayed while the Keuka Shores' application goes through the Town's full administrative process for a site plan review of the non-conforming, pre-existing use project, including concept application and use variance approval, and, upon a new determination by the ZBA, the Planning Board can assess whether it is advisable to discontinue the pending litigation or amend its petition, as appropriate, and move forward with the court proceeding.

NOW, THEREFORE, it is hereby;

RESOLVED, that Julie Vargo, as Planning Board Chair, and Theresa Stopka, as Vice-Chair, are hereby authorized to work with counsel for the Planning Board to pursue a stay of the Litigation to allow the ZBA to annul their past decision and Keuka Shores the opportunity to re-file its application and for the ZBA to consider it in due course and in accordance with proper procedures; and be it further,

RESOLVED, that the Planning Board, acknowledging that the Keuka Shores intends to withdraw the Site Plan Application currently pending before it, will not find Keuka Shores in violation of any Town Code provision for having failed to submit its Site Plan Application within 60 days of the ZBA's August 12, 2012 Use Variance Findings & Decision; and it be further;

RESOLVED, that upon the ZBA issuing a decision on Keuka Shores' re-filed application, the Planning Board will determine whether the Litigation should be discontinued or must proceed.

DECISION

That within the Resolution, it was moved by Theresa Stopka and seconded by Steve Jones and it was voted upon by the Members of the Town Board at a regular meeting as follows:

Dated November 15, 2021

Julie Vargo

Theresa Stopka

Steve Jones

Richard Niles

Janel Barrows - Alternate

On a motion to adjourn made by Theresa Stopka and seconded by Steve Jones and
Carried all voting Aye to adjourn at 6:20 P.M.

Respectfully Submitted,

Penny Wells, Planning Board Secretary