

Town of Urbana Planning Board
Public Hearing & Regular Meeting
April 5, 2022

The Town of Urbana Planning Board held a Public Hearing and its regular meeting on Tuesday, April 5, 2022 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
	Janel Barrows	Alternate (absent)
	Barb Fries	Alternate (absent)

Public Present: Derek Sung, Dave Adams, Matt Barnes, Stefanie Barnes, Chuck Smith, Aaron Steven, Chad Robbins

Meeting was called to order at 6:00 pm by Chairperson Julie Vargo
Pledge of Allegiance

On a motion made by Richard Niles and seconded by Theresa Stopka to accept minutes from March 1, 2022.

Carried all voting AYE

OLD BUSINESS -

2022-006 - Special Use Application submitted by Shale Creek Vineyards LLC/Meredith & Michael Hurley, 8562 County Road 87, Town of Urbana.

- This was moved to Board discussion in New Business.

2022-007 - Area Variance Application submitted by Matthew Barnes, 10524 West Lake Road, Town of Urbana. There has been an update to the set of drawings that now show a structure that is code compliant. However, there are side setback issues regarding the porch addition that would require Planning Board opinion on a variance. Applicant was not at March meeting for discussion.

- Applicant appeared. Applicant wants to take down an existing old cottage and rebuild new structure bringing new structure forward 6 ft on North side, porch on East side. 15 ft setback for porch. The new 2.5 story cottage complies with Code and a new drawing

was presented. The application is not compliant, however, in regards to side yard setbacks regarding the new porch.

- On a motion made by Steve Jones and seconded by Heidi Lowenstein to Deny the application because of setback and to send the following opinion to the Zoning Board of Appeals for their review.

The application creates a permanent structure that is compliant and fits the surrounding neighborhood. The Planning Board denied this application due to side yard setbacks involving a new porch that does not meet code without a variance. As these setbacks reference a porch and not a permanent structure, it is the Planning Board's recommendation to the ZBA to grant this variance as per request.

Carried all voting AYE

2022-008, Subdivision submitted by Charles Theichler, 8033 Amburg Road, Town of Urbana. Application to subdivide the main parcel of 7 acres. This will leave a 50.64-acre lot.

- Zoning Officer reported the applicant was in the process of getting the necessary survey maps.
- On a motion made by Steve Jones and seconded by Richard Niles, to table this application until the next meeting to give applicant time to get his survey maps.

Carried all voting AYE

NEW BUSINESS –

2022-015, Area Variance Application submitted by Barbara Buchanan and Charles Diven – 8578 Urbana Road, Hammondsport, Town of Urbana. Submitted to Planning Board for ZBA opinion.

- This is an application of a minor subdivision of two lots with frontage that does not meet the Town Code's lot width requirement for frontage. It appeared at the Planning Board in November 2021 and was Denied with the recommendation the applicant return to the Zoning Officer for further discussion as to how best to proceed with this project. The Zoning Officer met with the applicant. The Officer provided updated information to the Planning Board that the neighboring lots in this area have several non-conforming frontage lines that are less than the required 225 ft. The Planning Board agrees with the Zoning Officer's review that granting a variance will allow the applicant's lots to be subdivided in a manner keeping in character with the neighboring lots.
- On a motion by Theresa Stopka and seconded by Steve Jones to deny this applicant and send the following opinion to the Zoning Board of Appeals for their review.

This is a minor subdivision of two lots that the Planning Board denied and sent back to the Zoning Officer for more discussion with the applicant. The Planning Board agrees with the Zoning Officer that there are several neighboring lots that have several non-conforming frontage lines that are less than the required 225 ft. as reflected in his recent report. The Planning Board recommends the ZBA grant the variance as requested by the applicant.

Carried all voting AYE

2022-016, Concept Review, submitted by Jason and Tara Fuller, 10840 West Lake Road, Town of Urbana. Floodplain Development Permit Application - Submitted.

- Applicant appeared with its representative Chad Robbins of R&R Docks with a concept review to remove the existing boathouse and rebuild a larger one to fit the family boats. Boat house is 1 story, with storage in the rafters. This does not have living space and not residential. The boathouse is compliant
- On a motion made by Theresa Stopka and seconded by Steve Jones to approve and move forward without site plan. Marv will pass permit to Chuck.

Carried all voting AYE

2022-025, Concept Review submitted by Derek Sung (Qka Property Preservation LLC ... Tim Tompkins/Derek Sung) – 9068 Snug Harbor Drive Hammondspport, Town of Urbana. Short Environmental Assessment Form Part 1 – Submitted

- This is a pre-existing non-conforming use in Residential zoning. the applicant is requesting to convert part of the restaurant into living space, moving the structure closer to compliance within its zoning district.
- Applicant is converting part of the current first floor restaurant space into a one bedroom apartment for rental, reducing restaurant occupancy by 25-45 seats and approximately 800 square feet per applicant. Plans show new entrances and bathroom configuration for the remaining bar and restaurant. There are currently 1- and 2-bedroom apartments already converted for rental. These will be for seasonal, short term rental at this time. There will be designated reserved parking, one space for each apartment.
- On a motion made by Theresa Stopka and seconded by Steve Jones, to move to full site plan review.

Carried all voting AYE

2022-006, Continuation of Review of Special Use Application submitted by Michael and Meredith Hurley – 8360 County Route 87 Hammondsport Town of Urbana.

- Letter received from Department of Transportation Martin E. Butler, P.E. Regional Traffic Engineer – Office of Traffic Safety & Mobility, Region 6 was attached and stated that after review, they would not lower the speed limit along the road fronting Shale Creek from 55 mph to 45 mph as requested by the Urbana Town Board.
- The Planning Board worked to craft the language for the Special Use Permit for Shale Creek using applicant information, community concerns, and the Code. The checklist from the Code on Special Use permits was read into the record as the Planning Board went through each one.

The SUP language is to read as follows:

- *Operating hours: All retail business will occur between the hours of 10 am – 7 pm.*
- *Any outdoor production and bottling activities will be conducted outside the town's noise ordinance specified hours of Repose of 11 pm – 7 am.*
- *Temporary tasting room by means of a temporary tent structure may continue until a CO for the building is issued. After a CO is issued for the building, the temporary tent structure may be used for the grand opening events and then 2-3 wine club events per year.*
- *Music: Daily soft background music is allowed and limited to inside the building. Live acoustic background music is allowed and limited to inside the building. Live music is also limited to Friday, Saturday and / or Sunday afternoons, no more than 5 times in any month. Should the town receive a valid written, signed and verified noise complaint, the ability to have music will be immediately brought to the Planning Board for review.*
- *No hosting of any weddings or large events, with the exception of the grand opening events and the 2-3 wine club events per year.*
- *Food: Light fare, such as cheese, nuts, and other finger foods may be served. In addition, food trucks or other catered food may be serviced in a capacity limited to no more than 5 times per month and only during Friday, Saturday and / or Sunday business hours.*

On a Motion made by Theresa Stopka and seconded by Richard Niles, to accept the language for the new Special Use Permit by the Hurleys.

Carried all voting AYE

Board Discussion:

- The Planning Board decided to hold a work session to discuss various items including Short Term Rentals (STR), comprehensive plans and other zoning concerns prior to their May 3 meeting. The work session will start at 4:30

Close of the Meeting

On a Motion to close the meeting by Theresa Stopka and seconded by Richard Niles

Carried all voting AYE

Meeting closed 8 pm

Respectfully Submitted,

Penny Wells, Planning Board Secretary