

Town of Urbana Zoning Board
Regular Meeting
August 11, 2022
Minutes

The Town of Urbana Zoning Board of Appeals held their regular meeting on Thursday, August 11, 2022 at 5:30 pm., in the Urbana Town Hall, located at 8014 Pleasant Valley Road, Bath, New York.

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

Public Present: Rex Simpson, Dave and Melissa Gordon

Meeting was called to order at 5:35 p.m. by Chairman Scott Burg.

On a motion to except April 18, 2022 Minutes by Steve Catherman and seconded by Bill Fries, all voting AYE to accept the following roll call Vote:

Scott Burg	AYE
Nichole Dresser	(No Vote, as she was absent from 4/18/2022 Meeting)
Bill Fries	AYE
Steve Catherman	AYE
Thomas Cole	AYE

OLD BUSINESS: None

NEW BUSINESS:

2022-057 – Area Variance submitted by Rex Simpson and property owner David and Melissa Gordon on 9150 West Lake Road, Town of Urbana.

Applicant is requesting an area variance from the required front yard setback. They are continuing on the same line that the existing deck is on for an additional 14 feet which will create a setback of 2 feet and 11 inches. The required front yard setback ins 15 Feet.

*General Municipal Law 239 referral form – Steuben County – County review has NOT revealed any significant inter-community or county-wide impacts.

***Zoning Board of Appeals - Area Variance Findings & Decision**

11' variance of front setback of Keuka Shoreline 105-16.RCVD1

1. No undesirable change in the character of neighborhood.
2. No to have a deck to provide usable width the requested variance is reasonable and does not impact the neighborhood.
3. 11' variance in a required 15' setback is substantial 73% variable.
4. No Adverse impact to physical or environmental conditions of the surrounding neighborhood.
5. Applicant could not construct the dock, however the applicant still needs a variance to construct structure. The deck does not impact views and makes the property more usable.

Determination of ZBA based on the above factors, finds that:

1. The benefit to the applicant DOES outweigh the detriment to the neighborhood or community.

Deck allows reasonable use with no impact on neighbors.

2. The ZBA further finds that a variance of 11' from section 105-16RC1(d)1 of the Zoning Code is the Minimum variance that should be granted in order to preserve and protect the character of the neighborhood and health, safety and welfare of the community.

Conditions: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following.

1. The variance is for the deck only and not the structure that will be constructed. Adverse impact to minimized – view shed.
*1 condition – just for the deck and not the house.

2022-1 – Variance (vending permit) submitted by Brain Mattison, 7640 South Valley Road, Town of Urbana

Applicant is looking to modify 76-4 (e) to allow the produce stand to by-pass the 30-day regulation and extend to the 31st of October 2022. Applicant was given a temporary approval from Zoning Officer Marvin Rethmel for the stand based on the fact that half the season is over.

***Zoning Board of Appeals – Findings and Decision**

*Requirements for which Variance is requested is Time Extension of Zoning Code 76-4e

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties.

*No impact on character of neighborhood

2. Whether benefits sought by applicant can be achieved by feasible alternative to the variance.

*To Sell products in a 30-day time frame – limits the ability to use the entire growing season

3. Whether the requested variance is substantial

*Yes, requested date of Dec 31 is substantial

4. Would variance have an adverse impact on the physical or environmental conditions in the neighborhood.

*No impact on neighborhood

5. Whether the alleged difficulty was self-created

*Yes, 30-day limit is town code. However, 30 days limits reasonable time to sell products during growing season.

The Benefit to the Applicant DOES outweigh the detriment to the neighborhood or community.

The ZBA further finds that a variance of 142 days from section 76-4E of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

On Motion to close public hearing at 6:04 pm and open regular business meeting made by Scott Burg and seconded by Bill Fries, all voting AYE to accept the following roll call Vote:

Scott Burg	AYE
Bill Fries	AYE
Nicole Dresser	AYE
Steve Catherman	AYE
Thomas Cole	AYE

Open Regular business meeting 6:05 pm

On a Motion to Accept the Variance Findings and Decisions for 2022-57 made by Nicole Dresser and seconded by Tom Cole, all voting AYE to accept the following roll call VOTE:

Scott Burg	AYE
Bill Fries	AYE
Nicole Dresser	AYE

Steve Catherman	AYE
Thomas Cole	AYE

On a motion to accept the Variance Findings and Decisions for 2022-1 made by Bill Fries and seconded by Tom Cole. All voting AYE to accept the following roll call VOTE:

Scott Burg	AYE
Bill Fries	AYE
Nicole Dresser	AYE
Steve Catherman	AYE
Thomas Cole	AYE

On a motion to adjourn by Tom Cole and seconded by Bill Fries and carried all voting Aye

Scott Burg	AYE
Bill Fries	AYE
Nicole Dresser	AYE
Steve Catherman	AYE
Thomas Cole	AYE

Adjourned 6:50 PM

Respectfully Submitted,

Penny Wells
Recording Secretary