

Town of Corning Planning Board Meeting
20 S Maple St
Corning NY 14830
April 18, 2017

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Board Members Present

Elijah Baity, Chairman
Michael Quattrini
Marianna Redner
Richard Pope
Dale Bly

Absent

Jon Huff
Wayne Bennett

Others present

Steve Castellana, applicant
Jeffrey Bly
Chelsea Robertson, Town Consultant
Chuck Coons, Code Officer
Tim & Maggie Lott
Avonne Dickerson, Clerk

At 5:30 pm Dick Pope made a motion seconded by Marianna Redner to bring the meeting to order. Voice vote, motion carried.

Note: for the record-agenda has been amended by adding discussion of Jeff Bly's project.

Review of minutes-

Dale Bly made a motion, seconded by Michael Quattrini, to approve minutes from March 28, 2017 with the following corrections:

P. 1, section d.- "hours of work are variable"

P. 3, section c. – first sentence to read - "deadline for Town to comply is 03/31/2017".

Voice vote, motion carried.

1. Steve Castellana, purchasing property from of Habitat for Humanity-

located at 10387 Hamilton Road: to demo existing burned down structure and replace with a larger home.

- a.) This parcel is undersized at 0.13-acres, measuring approximately 40' x 150'. Applicant is seeking to build a two-story 30' x 80' home which will include a garage on the first story and a residence on the second story. To do this, he will need (2) 3' setback variances on both sides of the lot and, being that the lot is a non-conforming parcel, a lot coverage variance will be required (refer to Article 12-Section 12.5, A4 of Town of Corning Zoning Law).
- b.) Applicant does not own any continuous properties in which he can combine land to meet required setbacks and lot coverage.
- c.) SEQR-The proposed construction of a single-family home that encroaches on side yard setbacks requiring area variances is a Type II action, no further review is required.

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- d.) Motion by Dick Pope seconded by Dale Bly that the Planning Board is recommending the ZBA to grant a relief of 3' from the required 8' side lot setback on both the eastern side lot line and the western side lot line, contingent on sale of property. Voice vote, motion carried.
- e.) Motion by Dale Bly seconded by Mike Quattrini that the Planning Board is recommending the ZBA approve a variance from required 30% lot coverage to no more than 40% coverage, contingent on sale of property. Voice vote, motion carried.
- f.) Motion by Marianna Redner seconded by Dick Pope that the Planning Board is recommending the ZBA approve a lot width variance from 50' to 40', because this is a pre-existing lot at forty feet wide, contingent on sale of property. Voice vote, motion carried.

2. O.H. Striping Co., owned by Jeff Bly, located at 11178 River Road-

At 7:10 pm, Dale Bly recused himself from the meeting. Discussion with Planning Board:

On April 12, 2017, NYS DEC sent a letter to Jeff Bly stating that there are concerns of more than 1-acre of soil being disturbed while clearing property.

This is an on-going violation under Article 17 of the ECL and will remain until a Stormwater Pollution Prevention Plan (SWPPP) is developed and a completed Notice of Intent (NOI) is submitted by applicant. Mr. Bly has until April 28, 2017 to submit a written response as to what actions will be taken to meet requirements.

Likewise, CEO Chuck Coons is concerned and has issued a cease and desist order to Mr. Bly, as the downed trees are in the floodplain.

Secondly, the location of the driveway has been moved from original site plan.

Planner Chelsea Robertson and Floodplain Mitigation Specialist Janet Thigpen feel that the best way to handle this is for the Planning Board to authorize Chuck to work with the applicant and DEC.

Motion by Mike Quattrini seconded by Dick Pope for the Town of Corning Planning Board to authorize Chuck Coons to be the Floodplain Administer (for this project only) to work with Mr. Bly and DEC to remedy any floodplain violations at the 11178 River Road site within a week. Voice vote, motion carried.

Also, Elijah Baity, stated that the Planning Board encourages Mr. Bly to remedy all SWPPP requirements per DEC if more than one acre has been disturbed and to either meet the original site plan approved by the Planning Board or to come back before the Planning Board with a new plot plan showing changes, which would require another public hearing.

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Mr. Bly explained that the current location of the driveway is temporary as it was too wet to continue with the original placement.

Neighbors Maggie & Tim Lott expressed their concern over Mr. Bly's new business, stating that they do not want to interfere with anyone's plans to have a successful business, but would only ask for consideration of the noise and the fact that they now have no privacy or wind buffer since the thinning down of the trees. The Lott's are asking Mr. Bly if there is some way they could plant something that would be natural to the habitat that could be a buffer to the items above.

Mike Quattrini opened a discussion with the Lott's as to how they had learned about the opening of Mr. Bly's business. Legally, for public hearings a notice is published in the Corning Leader. Some towns notify adjacent neighbors of public hearings, as anyone has a right to attend the public hearing and voice their opinion.

Motion by Mike Quattrini seconded by Dick Pope that the Planning Board recommends to the Town Board of Corning that from here on out adjacent neighbors will be notified about all public hearings held by the Planning Board. Voice vote, motion carried.

**Motion by Dick Pope seconded by Mike Quattrini to
close the meeting at 6:40 pm.**

Respectfully submitted, Secretary, Avonne M Dickerson