

**Town of Corning Planning Board Meeting with Public Hearing(s)**

**July 25, 2017**

**Held at the Town of Corning Town Hall**

**Board Members Present**

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

**Others Present**

Adam Fischel, Marathon rep.  
Jason Bierman, applicant  
Steve Castellana, Food Pantry rep.  
Chelsea Robertson, Town Planner  
Stephanie Yezzi, STC Planner  
Atty. Anthony Pagano, Sayles/Evans  
Chuck Coons, Town Code Officer  
Avonne Dickerson, P. B. Clerk  
Visitors

**Absent**

Jon Huff

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

**Review of June 27, 2017 minutes-**

Motion by Mariana Redner seconded by Mike Quattrini to approve minutes as updated and presented. Voice vote, motion carried.

**1.) Rockford Realty Partners represented by Marathon Engineering**-located at Hanwell Village and East Corning Roads:

Tax parcels: 336.00-02-072.100, 336.00-02-073.000 and 336.00-02-074.000.

- a. Rockford Realty is the owner of the Hanwell Village Mobile Home Park. Rockford has acquired Southern Tier Storage LLC to represent them in applying for the following; a Conditional Use Permit to facilitate the construction of approx. 27,600 SF of self-storage use including re-use of the existing double-wide structure to provide (a) 1-2-bedroom residential space with office/retail use as a part of the self-storage business. A re-subdivision is requested to combine the three contiguous properties together and a Demo Permit is needed for demolition of the existing mobile home park.
- b. Required Public Hearing for the storage units was previously held at the 6/27/2017 Planning Board meeting. Application was deemed incomplete until a new plat is delivered.
- c. Review of plans with applicant and Planning Board:
  - ✓ Plan is to leave the existing fence except where there will be reconstruction.
  - ✓ Residence/office space may be 2-3 bedrooms and may or may not house the manager.
  - ✓ The shed at the end of the property will be removed.
  - ✓ Neighboring property owner, Larry Baker, requested a buffer barrier in between the doublewide and his home, however; still unknown.
  - ✓ The chain-length security fence encompasses the entire property.
  - ✓ Signage has yet to be determined, but design will comply with building code.
  - ✓ Hours of operation and parking area needs to be known.

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**d. SEQR**

Planning Board reviewed the submitted EAF.

After review, Marianna Redner made a motion, seconded by Dick Pope for the Planning Board to classify this as an Unlisted Action, consider the EAF, determine the action will have a negative environmental significance, issue a negative declaration and authorize Chair Baity to sign the negative declaration of environmental significance. Voice vote, motion carried.

**e. Public Hearing for Re-subdivision of properties**

At 6:06 pm Chair Baity opened the meeting to the public to consider a re-subdivision of the three parcels. No comments heard. At 6:07 pm Chair Baity closed the meeting to the public.

**f. Approval**

Upon hearing no applicable comments, Marianna Redner made a motion seconded by Mike Quattrini for the Planning Board to approve the re-subdivision as well as associated plats as presented and authorized Chair Baity to sign plats. Voice vote, motion carried.

Applicant has sixty-two days to file plats with Steuben County Clerk.

**g. Approval**

Public Hearing for Conditional Use Permit pertaining to the self-storage portion was held at the June 2017 Planning Board Meeting. Upon hearing no applicable comments, Dale Bly made a motion seconded by Mike Quattrini for the Planning Board to approve a Conditional Use Permit for use of storage facilities at the Rockford Realty Properties with the following conditions:

- ✓ Demolish existing mobile home park.
- ✓ Must have a buffer between Baker property and Rockford Realty property.
- ✓ Signage must conform to Town of Corning Code.
- ✓ Adequate access for trucks and emergency vehicles.
- ✓ Lighting at night not to disturb neighbors.
- ✓ Vegetation on the western side of the property will remain as is.
- ✓ Business hours for retail show between 7 am and 10 pm.

Voice vote, motion carried.

**h. Motion**

Dick Pope made a motion seconded by Mike Quattrini to table the Public Hearing for an Accessory Conditional Use Permit to use the existing 1,300-sq. ft. double-wide for a 2 to 3-bedroom residence with office space building until more information is received.

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**2.) Corning Community Food Pantry, (rep. by Steve Castellana) for property located at 11715 East Corning Road (a non-profit organization).**

- a. Applicant is applying for a Conditional Use Permit to repurpose building to accommodate distribution of necessary food/supplies to citizens of Steuben County or if necessary for any one regardless of residency.
- b. Questions from last month's meeting and narrative provided by applicant consisted of:
  - ✓ Hours of operation for client purposes-Monday & Tuesday-9 am to 12 noon;
  - ✓ Wednesday-10 am to 2 pm; Thursday & Friday-noon to 3 pm, Saturday- second & fourth Saturday every month.
  - ✓ Deliveries of food to the Pantry-10 am on Wednesdays.
  - ✓ Most clients will arrive by car with 2-5 families' representative per car.
  - ✓ There have been 5 new parking spaces added.
  - ✓ Signage and lighting has will follow Town code, but has yet to be designed.
  - ✓ The house in front will be offices for staff.
  - ✓ Trucks will load and unload in turn-around at the front of the building.
- c. A Public Hearing for the Conditional Use Permit was held at the June 2017, Planning Board Meeting. Concerns have been answered by Mr. Castellana and it is also understood that a flag stop will be put at the location with buses pulling through the turn-around while in route.
- d. **SEQR**  
Planning Board reviewed the submitted EAF.  
Motion by Marianna Redner seconded by Dick Pope for the Planning Board to classify this as an Unlisted Action, consider the EAF, determine the action will have a negative environmental significance, issue a negative declaration and authorize Chair Baity to sign the negative declaration of environmental significance. Voice vote, motion carried.
- e. **Approval**  
Upon hearing no applicable comments, Dick Pope made a motion seconded by Marianna Redner to deem the application complete and to approve the Conditional Use Permit for the Corning Food Pantry to operate at the East Corning location with conditions listed in **2b** of this document. Voice vote, motion carried.

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**3.) Kevin McFall, to subdivide 36-acres from (a) from a total of 321.5-acres located at 1853 Benjamin Road. Tax parcel: 354.00-021-000-**

- a. Submitted plat for approval was updated since last month's meeting; total acreage was noted and note of the remaining lands to be merged with the larger parcel to the North East.

After subdivided, a right-of-way will need to be granted to access the driveway that leads to Benjamin Road from the newly created 36-acre parcel. The drives are noted on the plat as "private drives" and will allow for access to the homes along with any easements from one property to the other and must be maintained with agreements between the two homeowners.

b. **SEQR**

Planning Board reviewed the submitted EAF.

Motion by Dick Pope seconded by Dale Bly for the Planning Board to classify this as an Unlisted Action, consider the EAF, determine the action will have a negative environmental significance, issue a negative declaration and authorize Chair Baity to sign the negative declaration of environmental significance. Voice vote, motion carried.

c. **Public Hearing**

At 6:33 pm Chair Baity opened the meeting to the public to consider a subdivision of the parcel listed and hears all applicable comments. At 6:34 pm Chair Baity closed the meeting to the public.

d. **Approval**

Planning Board deems the application complete. Upon hearing no applicable comments, Wayne Bennett made a motion seconded by Dale Bly for the Planning Board to approve the subdivision of 36.792-acres at 1853 Benjamin Road Tax parcel: 354.00-021-000 as well as associated plats as filed and authorized Chair Baity to sign plats. Applicant has 62 days to file plats with Steuben County Clerk. Voice vote, motion carried.

**4.) Elizabeth Tietje and Jason Bierman-3037 Hickock Road, preliminary review of a subdivision of Tietje's land to be merged with Bierman's property.**

**Tax map #'s: 319.00-01-009.0120 (Tietje) and 319.00-01-009.110 (Bierman).**

- a. Subdivision of (a) 44.241-acre parcel (Tietje) into two parcels consisting of a 42.227-acre parcel to be sold to applicant (Bierman) with a 2.014-acre parcel retained by property owner Mrs. Tietje.

b. **Action**

On motion of Marianna Redner seconded by Dick Pope Planning Board deemed application incomplete due to lack of updated plat. SEQR and Public Hearing will be completed at next month's meeting. Voice vote, motion carried.

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**5.) Other Business**

**Discussion concerning buffer between Lott and Bly properties on River Road-**

Mr. Bly's Conditional Use permit was approved by the Planning Board as submitted in March of 2017. Mr. and Mrs. Lott were not in attendance at that meeting, but did attend the April meeting after approval of Bly's application.

A buffer was considered by the Planning Board during the Conditional Use permit process but was not required, as the Zoning Ordinance states that buffers "may" be required rather than "shall" be required.

Information can be found in Section 104D for "Site Plan Approval for Conditional Uses" in the Town Zoning Ordinance where the intent of Article 10 is for the Planning Board to evaluate land uses and effects associated with public health and safety. This section gives the Planning Board authority over site plan review explicitly related to Conditional Use permits.

Another portion specifically outline considerations for "Development Guidelines and General Provision" is in Section 11.8C where it is stated:

"Fences, walls, hedges or screen plantings may be required, in multi-family, commercial or industrial districts, or on parcels containing non-residential uses in residential zones, including Adult Uses, by the Town Board, as is necessary to protect the residential quality of adjacent property."

On June 11th, 2013, Article 10. of the Zoning Ordinance (pertaining to conditional use permits operation) was updated to allow the Planning Board to be the authority over site plan review explicitly related to Conditional Use Permits. However, there may have been other sections of the Ordinance that were inadvertently not included with these updates and considered typos.

Planner Robertson suggested that the Town Attorney have a say on whom he believes has authority since the current Zoning Ordinance states that the Planning Board has authority for Conditional Use Permit approvals but the Town of Corning Town Board has authority to require buffering.

After discussion, motion was made by Mike Quattrini seconded by Wayne Bennett for the Planning Board to forward this information to the Town Attorney to seek his opinion concerning this transaction. Voice vote, motion carried.

Planner Robertson also recommended that buffering be required unless there is a reason to open the application again as a whole. Should it be determined that the application must be reconsidered due to unforeseen issues, it is only then that the approval process would need to be completed with the following steps:

- Reopen the application and reconsider every aspect of the application
- Set and hold a new Public Hearing

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- Approve the application

**a. Planning Board Application deadline dates**

Planner Robertson would like the deadline date to receive applications stuck to, as that would give the Planning Board and her enough time to review information before the meeting.

Also Chair Baity would like the Pre-Planning meeting date moved back to where it was a few years ago. Overall concession to reschedule pre-planning meetings to the first Thursday after submission of material to Code Officer.

Planning Board members would like packets of information mailed to them rather than delivered.

**b. Elevation Certificate on Brown Hollow Road**

Planner Robertson asked Code Officer Coons for any updates on progress.

At 7:15 pm, motion was made by Mike Quattrini seconded by Dick Pope to close the meeting. Voice vote, motion carried.

X

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Avonne M Dickerson  
Planning Board Clerk