

**Zoning Board of Appeals Meeting with Public Hearing
May 22, 2018
Town of Corning Town Hall**

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Members Present:

Mike Donnelly, Chair
Member John MacMahon
Member Phil Zarnoch

Others Present:

Applicant Robert Slayton
Code Officer Chuck Coons
Secretary Avonne Dickerson
Visitors

Members Absent:

Mike Pambianchi

Meeting brought to order at 4:30 pm.

Minutes

Motion by Phil Zarnoch seconded by John MacMahon to approve the February 27, 2018 minutes as presented. Voice vote, motion carried.

Agenda

Please note that the agenda verbiage was amended by Chair Donnelly to read “that the applicant is seeking a lot size variance of 30,000 ft.,” and not a setback variance of 20 ft. as stated.

Robert Slayton, 11357 River Rd-

Mr. Slayton has a 56,000 sq. ft. lot in an R1 Zone with an existing home on it. He would like to subdivide this property and is seeking a lot size variance of 30,000 sq. ft. Current Town of Corning zoning in an R1 Zone requires a lot size of 85,000 sq. ft. No percolation test is required as there is a functioning septic system in place. There is also a water well just located on the property line.

Public Hearing-

At 4:40 pm John MacMahon made a motion seconded by Phil Zarnoch to open the Hearing. Voice vote, motion carried.

At 4:41 pm and with no comments heard, Mike Donnelly closed the Hearing.

John MacMahon made a motion seconded by Phil Zarnoch to approve Mr. Slayton’s need for a 30,000 sq. ft. variance. Board then went through the Board reviewed the lot variance determination with applicant:

- 1) The granting of the variance will not produce an undesirable change in the character of the neighborhood.
- 2) Where the house is located on the property, plus the fact that the water well goes with the ~~house~~ farm property, it would be difficult to come up with a contiguous type of lot size due to the shape of the lot. Thus, the difficulty cannot be avoided by another way other than a variance.

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- 3) The requested variance is non-conforming.
- 4) There would be no adverse effect or impact on the physical or environmental conditions in the near area, rather an improvement.
- 5) The variance request is self-created by dividing the property.

Motion by John MacMahon seconded by Phil Zarnoch to approve the subdivision for Mr. Slayton as requested.

Roll call vote: Phil Zarnoch-yes, John MacMahon-yes, Mike Donnelly-yes. Motion carried.

Other Business

- **Bampa's House, request for interpretation-**

Jamie Cooney, Brown Road resident-request for interpretation of the definition of a convalescent or nursing home regarding proposed construction on Brown Road.

Wanda Boeke, Brown Road resident-expected this to be on today's agenda, as Ms. Boeke and Mr. Cooney had previously emailed a letter to all ZBA members pertaining to the above request.

Chair Donnelly mentioned that he is trying to find out if any of the services that may be delivered there are "for hire".

The ZBA letter also states that the definition of a dwelling (Article 2. Section 2.1of the Zoning Ordinance) "*shall not be deemed to include ... accommodations used for transient occupancy.*" Residents are asking that the ZBA reject the dwelling (unit) definition as it appears to classify Bampa's House as a dwelling among other dwellings in a residential neighborhood.

To conclude, the ZBA letter states that the only category that the proposed Comfort Care structure falls under is "establishments of a personal service or business service nature" (Zoning Ordinance Article 11. Section 11.3(E) (10), which would require one parking space for each one hundred square feet of gross floor area (15 spaces assuming a 1,500 square-foot building).

Mike Donnelly suggested that the ZBA and CEO Coons meet with the County Attorney. ZBA will table any decisions until information is reviewed.

Motion by Mike Donnelly seconded by Phil Zarnoch to close the meeting at 5:14 pm.

Motion carried

*Respectfully submitted,
Planning Board Secretary Avonne Dickerson*