

Members Present:

Wayne Bennett, Chairman
Donna Gridley
Dale Bly
Richard Pope
Michael Quattrini

Others Present:

Marc Maser, Engineer
Maggie Costello, Planner
Kim Feehan, Town Supervisor
Mr. Ledger, rep. for Ms. Figueroa
Chuck Coons, Code Officer
Avonne Dickerson, P B Clerk
Various other residents

**Motion at 5:30 pm by Dale Bly seconded by Dick Pope to call the Planning Board Meeting to order.
All in favor, motion carried.**

1.) Minutes-May 28, 2019 minutes reviewed. Motion by Dick Pope seconded by Donna Gridley to approve the May minutes as corrected. Voice vote, all yes.

2.) Brenda West, 3573 Pine Hill Rd-subdivision application of a 10.9-acre parcel from a 65.54-acre parcel with public hearing. Tax Map #: 282.00-02-010.110. The plan submitted is not a survey. Information was taken from prior surveys, deeds and a County tax map. There is an existing structure to remain on one of the lots and once subdivision is completed both parcels will meet required setbacks and minimum lot size. SEQR Part I has been completed and submitted by owner.

a. **Public Hearing**- at 5:40 pm motion by Dale Bly seconded by Dick Pope to open the public hearing. All yes, motion carried. At 5:41 pm and with no ~~adverse~~ comments heard, Chair Bennett closed the public hearing,

b. **SEQR ACTION**-motion by Dale Bly seconded Donna Gridley for the Planning Board to claim ~~itself~~ as Lead Agency and to classify this as an Unlisted Action. All yes, motion carried.

Donna Gridley led the Board through the 11-question SEQR Part II Impact Assessment Form. All questions were answered "no, or small impact may occur" by all Board members.

Motion by Dick Pope seconded by Donna Gridley to issue a Declaration of Negative Environmental Significance. All yes, motion carried.

c. **Motion for approval**-applicant will return with the final survey as soon as it is completed. Motion by Mike Quattrini seconded by Dick Pope to approve the preliminary plan for the West subdivision as complete. All yes, motion carried.

3.) Dandy Mini-Mart-11979 East Corning Rd-preliminary site plan application and public hearing for construction of a new Dandy building, including purchase of the Party Center next door to the Dandy. Tax map: 337.07-01-023.000 & **337.00-01-22.00**.

At last month's meeting site plan was deemed as incomplete, as there are some issues and clarifications.

- a. On June 19, 2019, applicant met with ZBA to request three variances; lot coverage, parking and driveways. Town of Corning Zoning Law states that the maximum lot coverage allowed by all buildings, parking lots and impervious surfaces is 50%.
- b. The existing lot coverage of the two properties (Dandy and Party Center) is 85.1%. Dandy is requesting a maximum lot coverage of 86.7% for all impervious surfaces within the two properties. The request was approved by ZBA for 86.7% coverage of non-pervious surface with the caveat that in the future lot coverage of non-pervious surface may only be reduced and not increased.
- c. At the same ZBA meeting applicant requested relief from required parking spaces. Zoning requirements are one space per 100 square feet of gross floor area, which would Equal to approximately 57 spaces for Dandy parking lot. ZBA approved a reduction from 57 to 32 parking spaces.
- d. The third variance request was pertaining to the number of drives that access a state highway. In lieu of granting a variance CEO Coons suggested that the ZBA may want to consider making an interpretation of the Zoning Law that refers to drives, is quite contradictory and this may be helpful if any other requests like this arises. ZBA made an interpretation that an in and out lane constitutes as one driveway and that a separate in and out driveway also constitutes as one drive. **Therefore, the site plan complies and a variance is not needed.**
- e. **Jody Allen, Civil Engineer prepared several comments for the Board to review with Engineer Marc Maser:**
 - The septic system design does not include an exterior grease interceptor. La Bella is recommending that an appropriately sized exterior grease interceptor be installed in accordance with NYSDEC design standards. Mr. Maser stated that Dandy prefers the grease trap be installed inside of the store unless the Board requires it to be outside of the building. The Planning Board is in favor of the preference.
 - A 33' radius has been added to the west edge of the western driveway and the infiltration trench that was in the right-of-way has been removed from the plans. Low grading has been added so water from the parking lot will flow back into the site. The final approval to use the gravel drive is up to NYS DOT.
 - Accessible parking and a ramp are in the parking area plans.
 - A SPDES Permit is not required for construction because the total area to be disturbed is less than 1-acre. Also, the design flow rate for the on-site septic system is less than 1,000 gpd, therefore a SPDES Permit is not required for that either.
 - Maser Engineering is proposing to use Presby trenches for the wastewater treatment system based on a design flow rate of 950 gpd. Although Presby trenches are not standard absorption trenches they are able to be installed in a septic system that is under impervious areas.

- Design applicant is proposing drywells for stormwater mitigation; however, drywells only treat the water quantity and not quality.
Engineer Allen recommends that a pre-treatment be installed. Being that the Town of Corning does not require pre-treatment, the Town can only recommend a higher level of treatment. Pipe needs to be 20' from the building and 10' from the property lines. If there is not enough room for the required future expansion area an Engineer can provide a note stating that if the system fails in the future it will have to be completely removed and replaced in the same location.
- DEC classifies the entire Dandy site as a "hot-spot", referring to a greater area of risk for contaminants to enter the ground water system. If there is an issue with spills, etc. it is up to the property owner to clean up the site in accordance with DEC standards. Also, the East Corning Fire Department is equipped and prepared with a plan in place to take care of any contaminate spills.

Public Hearing-at 6:32 pm motion by Dale Bly seconded by Donna Gridley to open the meeting to the public. All yes, motion carried.

- Kim Feehan King Circle-are there any plans for grading to keep water from running onto her property.
- Ruth Plaisted King Circle-will the entrance from Goff Road be eliminated.

At 6:40 pm Wayne Bennett closed the public hearing.

SEQR ACTION for Dandy Mini-Mart

- a. Motion by Dale Bly seconded Donna Gridley for the Planning Board to claim ~~itself~~ as Lead Agency and to classify this as an Unlisted Action. All yes, motion carried.
- b. Donna Gridley led the Board through the 11-question SEQR Part II Impact Assessment Form. All questions were answered "small or no" by all Board members.
Motion by Dick Pope seconded by Dale Bly to issue a Declaration of Negative Environmental Significance. All yes, motion carried.
- c. **Motion for approval**-motion by Dick Pope seconded by Dale Bly to approve the plan as final with the conditions as follows:
 - Plans need to show the area for a replacement septic system if the proposed septic fails.
 - Clarify slope of septic ~~tank~~ pipe 1/16" or 1/8".
 - Heavier duty pipe if needed for septic distribution box.
 - NYS DOT approval.

All yes, motion carried.

3.) Jennifer Figueroa, 11031 River Rd-floodplain application for installation of a swimming pool in a floodplain area. Tax map #: 336.11-01-007.000.

Ms. Figueroa is applying for a floodplain development permit to construct an

8' depth, 10' x 40' in-ground swimming pool that is in a floodplain area. Pool will be located to the rear of the house. The proposed location meets all required setbacks. This is classified as a Type II action, no SEQR action needed.

Maggie Costello stated that the STCRPDB flood mitigation specialist, Janet Thigpen, reviewed this application and recommended the following items be applied:

- a. Fencing is a must and needs to allow water in and out, but also withstand ~~rain for~~ floodwaters and prevent children from entering the pool area.
- b. All mechanical equipment must be protected by any potential damage such as a pool pump which has to be elevated at least above base flood elevation. Plans for any moveable equipment must be provided and state how they would be moved. There must be a plan in place to disconnect, move and store the pump by reviewing FEMA websites and other warning emergency systems. Pump must be stored at least 2' above base flood elevation ~~and~~ or must be certified as flood resistant by an engineer.

Applicant rep. Dave Ledger proposes to build a concrete platform 2' above flood level. He will use pool fencing that is made from aluminum. Fencing includes safety locks on the self-closing gates and water can go through it. Also, a safety cover will be provided.

Motion for approval-by Dale Bly seconded by Mike Quattrini for the Planning Board to process the flood plain permit request for Ms. Figueroa. All yes, motion carried.

- 4.) **Louis Paulo, 2609 King Circle**-conditional use permit application with a public hearing to convert a pre-existing single-family home on an undersized lot into a multi-family dwelling. Mr. Paulo has already completed construction into a 3-family dwelling without applying or receiving a conditional use permit.

Tax Map #: 337.00-01-047.000

- a. Mr. Paulo was not present for the meeting. No action was taken; however, the Board discussed the application.
- b. CEO Coons stated that this is an unlawful construction and that his job is to gain compliance through the codes. Property is in an R3 district which does allow 2-family and multi-family homes with a conditional use permit. Mr. Paulo has provided the Board with a drawing of what he is doing. Basically, this is an allowed use, but not an approved use.
CEO Coons would like to put this through to the town attorney or NYS for consideration of how Section 12.5 of the Zoning Law is dealt with. CEO Coons questioned whether this is a use variance or an area variance?
If the site plan does not comply, Mr. Paulo has a right to go straight to the ZBA.
If he chooses not to go to ZBA, then Planning Board would turn request down.
- c. Planner Costello stated that Mr. Paulo's property is an undersized non-conforming 13,939 square ft. lot and according to Section 5.1 of the Zoning Code, 30,000 sq. ft. **per dwelling unit** is the minimum lot size required for this type of project in an R3 zone.

Ms. Costello also read the following: Per Article 12, Section 12.5 of the Zoning Code- "In any district where residences are permitted, such undersized non-conforming lots may be used for not more than one single family dwelling."

Public Hearing-at 7:17 pm-motion by Donna Gridley seconded by Dale Bly to open the hearing to the public. All yes, motion carried.

- Kevin Konopski, 2602 King Circle-received a letter from him which will go into this record. He stated that he is not in favor of Mr. Paulo's request as he feels it is changing the character of the neighborhood, adding additional parking and lighting, and additional traffic and noise.
- Christine Hiney, 2605 King Circle-agrees with Mr. Konopski and verbally presented to the Board a list with several items pertaining to Mr. Paulo's property-trash, lighting, over-crowding, unapproved electrical installation, inadequate sewage facilities, fire hazard, encroaching property line.
- Ruth Plaisted, 2553 King Circle-originally started the Neighborhood Watch. Not in favor of this getting approved.
- Kim Feehan, 2560 King Circle-what is the time frame for submitting a conditional use application before it is rejected by the Planning Board. Not in favor of approval. The reason we have rules is, so people follow the laws and we are consistent in how we conduct ourselves. He has clearly stepped over the process and should be made to remove what he has done.

At 7:30 pm, Chair Bennett closed the public hearing. Chair Bennett appreciated all the comments, and this still must be treated as a new application, whether it be a use variance or a lot variance.

Motion by Mike Quattrini seconded by Dale Bly to forward a letter to Mr. Paulo to remind him that he needs to be present at the July 23rd meeting or his application will be denied. Voice vote, all yes.

Motion-at 6:25 pm motion by Mike Quattrini seconded by Dale Bly to adjourn the meeting

Planning Board Clerk, *Avonne Dickerson*