

Town of Corning Zoning Board of Appeals Meeting
20 S Maple Street – Corning NY
October 24, 2017

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Members Present

John MacMahon (acting chair)
Phillip Zarnoch
Michael Pambianchi

Others Present

Chuck Coons, CEO
Matthew Kerwin, Blue Wireless/Upstate rep
Avonne Dickerson, ZBA Clerk

Members Absent

Michael Donnelly

1.) Meeting brought to order at 4:35 pm.

2.) Minutes from prior meeting-

Mike Pambianchi was not in attendance at the September 26, 2017 meeting, making him ineligible to review the latest minutes for approval or changes.

Motion by John MacMahon seconded by Phil Zarnoch to hold review of September's meeting minutes until the ZBA meets again with a quorum. Voice vote, motion carried.

3.) Up State Tower/Blue Wireless, 10545 Winfield Street-

At the September 26, 2017 Planning Board Meeting, the decision was made to forward this application to the ZBA to request (4) four setback variances for construction of a proposed 160' tower on a 2-acre lot at 10545 Winfield Street.

Attorney Kerwin gave a detailed construction plan to ZBA members. It was noted that the setbacks are not based on the density control schedule, but are pursuant to 11.23 (D)(2) of the Zoning Code, which requires the setback to be the height of the tower.

Motion-

The board discussed the setback necessity and took into consideration that there will be a breakpoint on the tower at 80'. A motion was made by Mike Pambianchi seconded by Phil Zarnoch to grant the following (4) area variances for construction of a cell tower at 10545 Winfield Street:

North side-27 feet

East side-38 feet

South side-96 feet

West side-80 feet

Voice vote, motion carried.

4.) Richard W. Copp, 2350 Davis Road-

Currently, there is an existing farm equipment ~~another~~ building on the lot, which will remain. This building sits back 19' off of the side of the road. Mr. Copp would prefer a variance for the proposed building to match the current setback of the existing structure, however; there is a significant elevation drop in terrain past 30-40 feet off the side of the road.

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Mr. Copp is seeking a 55' variance where 75' is required for placement of a 32' x 40' farm equipment building on a 25-acre lot located at 2350 Davis Road.

The Planning Board previously reviewed this application at the September 2017 meeting and as required sent this request to the Zoning Board of Appeals while recommending that the ZBA agree on a setback variance for placement of a 32' x 40' farm equipment building as suggested by the Code Enforcement Officer and ZBA.

Public Hearing-

At 5:10 pm Mike Pambianchi made a motion seconded by John MacMahon to open the required public hearing for issuance of an area variance for Mr. Copp's proposed construction location. Voice vote, motion carried.

At 5:11 pm motion made by John MacMahon seconded by Mike Pambianchi to close the public hearing. No adverse comments made. Voice vote, motion carried.

Motion-

Mr. Coons stated that he met with the applicant's representative and it was agreed upon that the building could be constructed 30' from the pavement edge, thus requiring a 45' variance.

John MacMahon made a motion to approve a 45' setback variance from the road for construction of Mr. Copp's farm equipment building with the following criteria;

- Due to the topography of the parcel moving the area variance back further would not be feasible.
- Variance will not create an undesirable change in the neighborhood character.
- Request will not have an adverse impact in the environment.
- Request is self-created, but other factors such as nature of the area, topography of the land all need to be taken in to account.
- The interest of justice will be served by allowing the variance.

Motion seconded by Phil Zarnoch. Voice vote, motion carried.

With no other business the meeting was adjourned at 5:13 pm.

Zoning Board of Appeals Clerk, *Avonne Dickerson*