

Town of Corning Zoning Board of Appeals Meeting
Town of Corning Town Hall
February 26, 2020

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Members Present:

John MacMahon, Chair
Brad Boersen
Phil Zarnoch

Others Present:

Chuck Coons, CEO
Avonne Dickerson, Secretary
Several interested attendees

1. At 5:30 pm John MacMahon called the meeting to order.
2. **Review of previous meetings' minutes-**
Motion by Phil Zarnoch seconded by Brad Boersen to approve the August 28, 2018 minutes as presented. All yes, motion carried.
Motion by Brad Boersen seconded by Phil Zarnoch to approve the June 19, 2019 minutes as presented. All yes, motion carried.
3. **Interpretation of "wedding venue" in an R1C zone-**
Recently, the ZBA received a request from Attorney Jeff Evans (see file), concerning the Christian Life Church, 2523 Bailey Creek Road, for an interpretation of the code in respect to a "wedding venue" use that was denied as an allowed primary use.
The zoning code itself is made up of districts and zones and there are several uses, and accessory uses permitted within each district. At present a "wedding venue" is not listed as an allowed conditional or accessory use in the Zoning Law.
After a lengthy public comment session, John MacMahon compared a cultural facility (such as a library, art gallery, museum, etc.) and a country club as conditional uses that are allowed in an R1C zone that may already permit weddings and receptions.
After ZBA discussion, John MacMahon made a motion seconded by Brad Boersen that "wedding venue" is not inconsistent in an R1C zone within the Town of Corning Zoning Law. All yes, motion carried.
4. **Any other business-**
5-member ZBA vs. 3-member ZBA-
CEO Coons asked the ZBA if they would prefer going to a 3-member board or remain as a 5-member board. There are 2 vacancies as of now. CEO Coons stated that he feels it is easier to get two out of three members to meet rather than three out of five to make a quorum. ZBA stated they would like to remain as a 5-member board. CEO Coons will bring this to the Town Board's attention, as they are responsible for filling vacancies.
5. **Motion to adjourn-**
At 6:10 pm, John MacMahon closed the meeting.

Respectfully submitted, *Avonne Dickerson*, Secretary

02-26-2020

Please sign in :

1. Paul Blanco
2. Lynnette Blanco
3. Carolyn Shangraw
4. Ryan Snyder
5. Carl Rouss
6. Kathy Rose
7. Glen Rose
8. Jonathan Begg
9. John Begg
10. Chuck Carr
11. James Cooney

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FAX (607)962-8401
(SERVICE BY FAX NOT ACCEPTED)

VINCENT J. WELCH, OF COUNSEL

January 21, 2020

SENT VIA REGULAR MAIL and EMAIL

Chuck Coons
Town of Corning Code Enforcement Officer
20 South Maple Street
Corning, NY 14830

RE: Christian Life Church – Zoning Code Interpretation

Dear Chuck:

As you know from our conversation last week, I represent Christian Life Church, which owns real estate (including improvements) located at 2355 Bailey Creek Road in the Town of Corning. They are interested in selling the property, but the prospective buyer wants to use the property as a wedding venue, and it is unclear whether such use would be allowed under the current Town of Corning Zoning Code (the "Code"). This letter shall serve as a formal request for an interpretation of the Code by the Board of Zoning Appeals upon the grounds specified below and pursuant to Section 14.2 of the Code.

The subject property is located in the R1-C District (Residential, Rural Conservation, Low Density). The Use Regulation Table in Section 4.9 of the Code provides that several venues in which weddings are often held (churches, country clubs, non-profit clubs, and cultural facilities) are either permitted uses or conditional uses, however there is no use category specifically referencing wedding venues as a stand-alone use. Many zoning ordinances provide that any use not specifically listed is not permitted in the district, but the Town of Corning Code contains no such provision that I could find. In the absence of such provision I would encourage the Town to analogize to specifically listed uses to determine if the requested use is similar enough to a delineated use to be allowed as either permitted outright or conditionally permitted subject to site plan approval. This approach is consistent with New York law that provides that any ambiguity in zoning regulations be resolved in favor of the property owner.

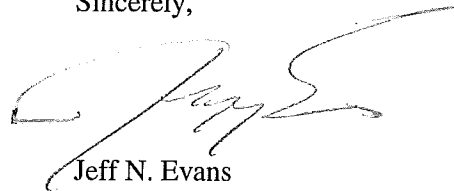
Any interpretation allowing the proposed wedding venue use would be consistent with the structure of the existing Code. The purpose of the use tables is to identify permitted uses in various zones to ensure that the Town can accommodate a variety of uses while ensuring that neighboring use

can co-exist in an orderly fashion. In other words, the use tables along with the site plan approval process provide a mechanism for the Town to ensure that a proposed use will not create untenable negative impacts on the neighboring properties or the Town at large. In this case, because so many of the listed uses would allow weddings, there is no reason to believe that a wedding venue at this location would create any negative impacts beyond the uses that are already allowed in the zone. In addition, this requested interpretation is taking place against the backdrop of an anticipated amendment to the Code which will rectify the ambiguity and specifically list wedding venues as a type of use allowed in the R1-C District subject to site plan approval. Therefore, any interpretation allowing the use is merely allowing the prospective buyer a head-start as opposed to potentially making a decision that would create an unwanted lasting impact.

In the alternative, I would request an interpretation as to whether the purchaser could continue to occupy the building and use it as a "church" along the lines of a "wedding chapel." The Code does not contain a definition of a church, so an interpretation of what constitutes a church may provide an alternative mechanism for allowing the proposed use to legally exist.

Please forward this request to the Board and let me know if they are receptive to the request, and if so, when they are available for a hearing to further discuss the matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff N. Evans", written over a horizontal line.

Jeff N. Evans

JNE/skb