

Town of Corning Zoning Board Meeting Minutes with Public Hearing(s)
June 19, 2019
Town of Corning Town Hall

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Members Present:

Acting chair, Mike Pambianchi
Phil Zarnoch
Brad Boersen

Others Present:

Maser Engineering, Marc Maser
Code Officer, Chuck Coons
Clerk of PB, Avonne Dickerson

Members Absent:

John MacMahon

- 1) At 5:30 pm, motion by Phil Zarnoch seconded by Brad Boersen to call the meeting to order.
All yes, motion carried.
- 2) Minutes from the August 28, 2018 meeting could not be approved as there was not a quorum present that had reviewed the August minutes.
- 3) Dandy Mini-Mart applying for three (3) variances: parking spaces, lot coverage and two driveways for construction of a new Dandy store. Marc Maser explained the variance requests:
 - a. Lot coverage-Town of Corning Zoning Law states that the maximum lot coverage allowed by all buildings, parking lots and impervious surfaces is 50%. 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.
 - b. Parking spaces-Town of Corning Zoning Law requires that there should be one space per 100' of gross floor space. This equals to 57 required spaces. Dandy is requesting a lesser amount of spaces to 30 standards plus 2 accessible.
 - c. Driveway-Town of Corning Zoning Law states "no more than two driveways to a single commercial or industrial establishment entering on one highway shall be permitted". CEO Coons stated that he does understand the intent of this code.

Lot Coverage-Mike Pambianchi reviewed the determination questions with the Board:

- Will the granting of the variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties? – *No*.
- Can the benefit sought by the applicant be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? – *Not feasible*.
- Is the requested variance substantial? – *Yes*.
- Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? – *No*.
- Is the alleged difficulty self-created? – *No*.

Parking Spaces-Mike Pambianchi reviewed the determination questions with the Board:

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- Will the granting of the variance produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties? – *No*.
- Can the benefit sought by the applicant be achieved by some method which will be feasible for the applicant to pursue but would not require a variance? – *No*.
- Is the requested variance substantial? – *Yes*.
- Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? – *No*.
- Is the alleged difficulty self-created? – *Yes*.

Driveway Variance-

The Board decided to make an official interpretation of the Driveway Standards Regulation. The Zoning Board of Appeals deems that their interpretation of the Driveway Standards Regulation Law is defined as follows; two ways in and two ways out, not necessarily in the same location. This interpretation will set a precedent; therefore, no variance is needed. This will allow the three access points onto the East Corning Road. A driveway shall be considered an access point which provides both ingress and egress from the site.

**(Per Section 4.9 C. Driveway Standards: "No more than two driveways to a single commercial establishment entering on one highway shall be permitted. This plan provides three (3) access points connecting to the highway.)*

Public Hearing(s)-

At 6:14 pm motion by Mike Pambianchi seconded by Brad Boersen to open the Public Hearing(s) to consider the above two variances. All yes, motion carried.

At 6:15 pm Mike Pambianchi closed the Public Hearing(s).

Approval-

Motion by Brad Boersen seconded by Phil Zarnoch to grant a variance, not to exceed 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. Voice vote, all yes.

Approval-

Motion by Phil Zarnoch seconded by Mike Pambianchi to grant Dandy Mini-Mart the proposed lesser amount of 32 parking spaces vs. the required 57. Voice vote, all yes.

4) **Other business-**Mike Pambianchi announced that he will be leaving the Corning area and will be resigning as a ZBA member. Also, Mike Donnelly has left the area and has resigned as a ZBA member.

5) **Adjournment-**6:20 pm, motion by Phil Zarnoch seconded by Brad Boersen to close the meeting. All yes, motion carried.

Respectfully submitted, Planning Board Secretary Avonne Dickerson