

Town of Corning – 25 South Elm Street
Regular Planning Board Meeting Minutes

March 25, 2025

5:30 p.m.

Members Present:

Wayne Bennett
Dale Bly
Sara Hale
Jay Harrison
Jim Allen

Others Present:

Brad Laverty, CEO
Hannah Waschezyn
Kim Seymour
Lon Fiscus

Open Meeting

Wayne Bennett asked for a motion to open the meeting at 5:30 PM; motion made by Dale Bly, seconded by Jay Harrison. All said yes and the motion carried.

Roll Call of Planning Board Members

All members present.

Minutes

The Board reviewed meeting minutes from January 28, 2025 and February 25, 2025. Wayne Bennett asked for a motion to approve the two meetings' minutes; motion made by Jay Harrison and seconded by Sara Hale; the motion passed.

Discussion regarding regulations for battery energy storage units

Code Enforcement Officer Brad Laverty shared his opinion that Town of Corning ought to be looking into a moratorium on Battery Energy Storage Systems (BESSs). Other towns are facing interest in this type of development. The Planning Board may want to draft BESS regulations to recommend to the Town Board, especially around safety. There are different tiers that cause different types of

hazards in an emergency. One suggestion is to include a requirement for the developer to provide training for local firefighters. The intent is not to prevent development, but to take due consideration to ensure the safety of our community and fire fighters.

Discussion was held around Battery Energy Storage Systems, including safety, decommissioning, and NYS regulation.

Wayne Bennett requested a motion to recommend a twelve-month moratorium on Battery Energy Storage Units to the Town Board; motion made by Jay Harrison, seconded by Sara Hale; the motion passed.

Follow Up on Edger Discussion from February meeting

Hannah Waschezyn provided responses from NYS DEC Regional Materials Management Supervisor Gregory MacLean to questions raised by the Planning Board at the last meeting.

Discussion was held around Solid Waste Management Facilities, the optics of the NYS DEC's use of the term, and enforcement of Conditional Use Permit need for amended site plan.

Wayne Bennett requested a motion to schedule a public hearing for the revocation of Steele Cold Springs Pit Conditional Use Permit at the April Planning Board meeting; motion made by Dale Bly, seconded by Jim Allen; the motion passed.

Update on State Route Mini Storage

Brad Laverty provided an update on the State Route Mini Storage's Conditional Use Application, which has expired.

Follow Up on Noise Ordinance

Wayne Bennet requested a motion to open public comment on the draft Noise Ordinance; motion made by Dale Bly and seconded by Jay Harrison; the motion was passed.

Town Council Member Lon Fiscus and River Rd resident Kim Seymour shared the following comments. Discussion was held around the draft noise ordinance as referred to the Town Board. Planning Board members requested to discuss the draft noise ordinance again at the next meeting with appropriate time to review the comments and have copies.

Lon Fiscus, Town Council Member suggests:

- Remove definition #2 of noise disturbance, “annoy or disturb another person or premises,” because it is too subjective
- Add “at the discretion of the Code Enforcement Officer” at the end of 3.a).
- Add excessive noise for a prolonged period, and/or during night-time hours to Section 4.a on animals, birds, etcetera
- Remove phonographs and add musical instruments. Section 4.h
- State Law is more prohibitive than Section 4.c on combustion engines.
- Remove Section 4.j on vocalizations
- Remove Section 6.a on Construction Activity, especially iii.
- It would be helpful for the Planning Board to send someone to a Town Board meeting at which a recommendation from the Planning Board is reviewed.

Kim Seymour, resident of River Rd:

- Regarding 3.a), beyond property line during the night time, and beyond a distance from the property line during daytime hours, based on language in Town of Elmira.
- Address subjectivity in Section 4.c on Engine[s]

Discussion regarding regulations on property maintenance

Brad Laverty introduced an issue he has been seeing which could be resolved by a law allowing the Town to perform property maintenance necessary to the safety of the community. For example, there is a property on Dyke Rd where the owner is incarcerated and unable to maintain the property. The Town needs to be able to clear vegetation and such from the exterior of the property in the event it becomes hazardous. The cost of the property maintenance would be billed to the property owner, and, if it went unpaid, would be levied to the property taxes. Other municipalities have this law, including City of Corning. It is legal.

Discussion was held around a law addressing property maintenance, including that the law should be specific as to when it is applicable and interest in looking at examples from other municipalities.

Adjournment

Wayne Bennett asked for a motion to adjourn the meeting at 6:52 p.m.; motion by Jay Harrison and seconded by Jim Allen. All were in favor and the motion passed.

Respectfully submitted,

HannahMathilde L. Waschezyn, STCRPDB.