| Chemun Chemun | ig County Planning Board | Referral Number |
|---|---|---------------------|
| | 400 East Church Street P.O. Box 588 ira, New York 14902-0588 | For office use only |
| | (607) 737-5510 <u>vw.chemungcountyny.gov</u> nning@co.chemung.ny.us | |
| Chemung County Pla (Please comp | anning Board – Municipal Referral plete all information on both pages) | Form |
| Referring Municipality: 🔲 City 😡 Town | Village of Horsehea | ds |
| Referring Official: Cathy Wood | Title: Planning Boa. | nd Secretary |
| Address: 150 Wygant Rd. | Horseheads Ny 14 | 1845 |
| Phone Number: (607) 739 - 878 | 3 E-mail: Cwoode tou | noFhorse heads.org |
| Referring Board (check appropriate box): 🔲 Leg | gislative Board 🛛 ZBA 🔀 Planning Boa | rd |
| Pennsylvania Que Petitioner(s): United Mathodia | st Church Phone: (607 |)733-4485 |
| 1238 Penn Petitioner's Mailing Address: Pino City | sylvania Que. Ny 14871 E-mail: BV | 53 QQOL, COM |
| Location of Property: 2447 Grue | ng Rd Miracle | Mile_ |
| Tax Map Parcel Number(s): <u>69.05</u> | 1-32.2 | |
| Current Zoning District: PUD | · • • • · · · • • • • • • • • • • • • • | |
| Proposed Action: (check all that apply) | Subdivision Review | <u> </u> |
| | | |
| L'Site Plan Review | Zoning Text Amendment | |
| $\Box \text{ Comprehensive Plan Adoption / Amendment} \\ \Box \text{ Other (please specify): } \underline{C S Require}$ | Moratorium | |
| Description of the proposed action (attach detai | iled narrative if available): | |

| USe | OF ex | isting | building | and | parking |
|-----|-------|--------|----------|-----|---------|
| 10+ | for | a ch | uvch. | | V (|
| | | | | | |
| | | | | | |
| | | | | | |

The proposed action applies to real property within five hundred feet (500') of the following (Please identify each item by filling in the appropriate blank after each item)

| □ (a) Boundary of the (City), (Village) or (To | wn) of: | | |
|--|--|----|----|
| (b) Boundary of any existing or proposed | (County) or (State Park) or any (Other Recreation Area): _ | CR | 14 |
| • | · · · · | | |

□ (c) Right-of-way of any existing or proposed (County) or (State Parkway), (Thruway), (Expressway), (Road) or (Highway); (Include (County) or (State Route) # and name of (Road):______

(d) Existing or proposed right-of-way of any stream or drainage channel owned by the (County) or for which the county has established channel lines:

(e) Existing or proposed boundary of any (County) or (State) owned land on which a public building or institution is situated:

(f) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law (this subparagraph shall not apply to the granting of area variances:

| Hearings/Meetings Schedule | | | | | |
|--------------------------------------|---------------------|----------------------------------|--|--|--|
| Board | Public Hearing Date | Meeting Dates (prior and future) | | | |
| Town Board/Village Board of Trustees | 1-9-18 | 12-12-18 | | | |
| Zoning Board of Appeals | | | | | |
| Planning Board/Planning Commission | | 1-2-2019 | | | |
| City Council | | | | | |

Action taken on this application (reviewed, approved, discussed, etc.)

| · | "Full Statement" Checklist |
|-----------|---|
| | As defined in NYS General Municipal Law §239-m (1)(c) |
| ase mak | e sure you have enclosed the following required information with your referral, as appropriate. |
| For All A | Actions: |
| **** | Chemung County Planning Board – Municipal Referral Form |
| | All application materials required by local law/ordinance to be considered a "complete application" at the local level (PDF preferred). |
| | Part 1 Environmental Assessment Form (EAF) or Environmental Impact Statement (EIS) for State |
| • | Environmental Quality Review (SEQR). If Type II Action, provide a statement to that effect. |
| | Agricultural Data Statement, for site plan review, special/conditional use permit, use variances, or |
| | subdivision review located in an Agricultural District or within 500 feet of a farm operation located in an |
| | Agricultural District, per Ag. Districts Law Article 25AA §305-a, Town Law §283-a, and Village Law §7-73 |
| | Municipal board meeting minutes on the proposed action (PDF preferred). |
| For Proj | posing or Amending Zoning Ordinances or Local Laws: The above requirements AND |
| | Report/minutes from Town Board, Village Board or Trustees or Planning Board (PDF preferred) |
| | Zoning Map |
| | Complete text of proposed law, comprehensive plan, or ordinance (PDF preferred) |

Planning Board meeting.

| | Town of | Horseheads | Application | for Planning | Board Review |
|--|---------|------------|-------------|--------------|--------------|
|--|---------|------------|-------------|--------------|--------------|

| Project location: 2447 LORNING RD | HORSEHEADS, N | ý |
|--|---------------------------------------|--|
| Tax Map ID#:69.05-1-32.2 | | |
| Application for: Site Plan Review | ision 🗆 Specia | l Permit ØOther - As ≷e@ui≥e |
| Applicant: PEUNSYLVANIA AVENUE UNITED M | RETHODIST CHURCH | |
| Address: 1238 PENNSYLVANIA AVE. | | |
| PINE LITY | State:NY | Zip: <u>/4871</u> |
| Phone: PASTOZ BILL VALLET 607-733-4485 Fax: | | Cell:607-857-7732 |
| Email Address:BV53@AOL.Com | Send Age | nda by Email: ¤yes |
| Owner: (if different) 328 PANOSIAN LOP | > | |
| Address: III N. MAIN ST. | · · · · · · · · · · · · · · · · · · · | |
| ELMIRA | State:NQ | Zip: <i>14901</i> |
| Phone: <u>607-737-5280</u> Fax: 7 | 37-5279 | _Cell:426-5282 |
| Email Address: Rave 56-23-Lom | Send Age | nda by Email: Yes |
| Plans Prepared by: APPLILANT + OWNER | | |
| Address: SEE ABOUE | | ······ |
| | State: | Zip: |
| Phone: Fax: | | Cell: |
| Email Address: | Send Age | nda by Email: □yes |
| Project Description: USE OF ENSTING BUILDING | + PARKING LOT FO | ZA LHURCH |
| General Location: 2447 LORNING RD M | GRALLE MOLE | ······································ |
| Current Zoning: Pub | | |
| | | |





617.20 Appendix B Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 - Project and Sponsor Information | Property Owner: Applicant: | 328 Panosian Corp. Pennsylvania Avenue | United Methodia | st Church |
|--|-----------------------------------|---|---------------------------------------|-----------|
| Name of Action or Project: | ····· | | | |
| Pennsylvania Avenue United Methodist Church | | | | |
| Project Location (describe, and attach a location map): 2447 Corning Rd. (Tax ID #69.05-1-32.2) Property survey provided. | | | | |
| Brief Description of Proposed Action: | | | | |
| Proposed Use: Place of Assembly - Church Prior Use: Place of Assembly - Restaurant | | | | |
| Name of Applicant or Sponsor: | Telephone: | Applicant - 733-4485 | | |
| Applicant: Pennsylvania Avenue United Methodist Church Property Owner: 328 Panosian Corp. | E-Mail: | _Owner - 737-5280 Applicant: BV53@aol.co | m | |
| Address: Applicant: 1238 Pennsylvania Ave. Pine City, NY 14871 Owner: 111 N. Main St. Elmira, NY 14901 | | _Owner: Ron@sg23.cd | ən | |
| City/PO: See above. | Stat | e: | Zip Code: | |
| 1. Does the proposed action only involve the legislative adoption of a plan | , local law, ordi | inance, | NO | YES |
| administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action as may be affected in the municipality and proceed to Part 2. If no, continue | nd the environm to question 2. | ental resources th | nat X | |
| 2. Does the proposed action require a permit, approval or funding from an | y other govern | mental Agency? | NO | YES |
| If Yes, list agency(s) name and permit or approval: Town Board approval du | ie to PUD. | | Х | |
| 3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? | acr acr +/-2.0acro | res res es | | |
| 4. Check all land uses that occur on, adjoining and near the proposed action | on. | ····· | · · · · · · · · · · · · · · · · · · · | |
| □ Urban □ Rural (non-agriculture) □ Industrial I× Com | mercial 1 ^X Re | esidential (suburba | an) | |
| □ Forest □ Agriculture □ Aquatic □ Othe ☆ Parkland | r (specify): | | | |
| · | | | | |

Page 1 of 4

| 5. Is the proposed action, | NO | YES | N/A |
|---|------------------|---------|------------|
| a. A permitted use under the zoning regulations? Yes, subject to PUD approval | | х | |
| b. Consistent with the adopted comprehensive plan? | | Х | |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscore? | | NO | YES |
| | | NO | VEC |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar If Yes, identify: | ea : | Y | IES |
| | | | |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | | NO X | YES |
| b. Are public transportation service(s) available at or near the site of the proposed action? | | | x |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act | ion? | x | |
| 9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Use of existing improvements | | NO | YES |
| 10. Will the proposed action connect to an existing public/private water supply? Public sewer. | | NO | YES |
| If No, describe method for providing potable water: | | | x |
| 11. Will the proposed action connect to existing wastewater utilities? | <u> </u> | NO | YES |
| If No describe method for providing wastewater treatment: | | | x |
| | | | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic | | NO | YES |
| Places? b. Is the proposed action located in an archeological sensitive area? Not to my knowledge. | | Х | <u> </u> |
| | | X | <u> </u> |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? Not to my knowledge. | n | NO X | YES |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: | | x | |
| | | | |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a □ Shoreline □ Forest □ Agricultural/grasslands □ Early mid-success | all that onal | apply: | _ <u>_</u> |
| Wetland U Orban U Suburban | | NO | VES |
| by the State or Federal government as threatened or endangered? Not to my knowledge. | | X | 1.55 |
| 16. Is the project site located in the 100 year flood plain? | | NO | YES |
| | | X | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? | | NO | YES |
| a. Will storm water discharges flow to adjacent properties? Existing improvements. [X NO] YES | | X | |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain If Yes, briefly describe: | 15)? | | |
| | | 1. | |

Page 2 of 4

| 18. Does the proposed action include construction or other activities that result in the impoundment of | NO | YES |
|--|--------|-------|
| water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: | x | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? | NO | YES |
| If Yes, describe: | x | |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? Unknown. If Yes, describe: | NO | YES |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE | BEST (| OF MY |
| Applicant/sponsor name: <u>ProvALD N. PANOSIJAN</u> Date: <u>//-Z/6-18</u> Signature: <u></u> Date: <u>//-Z/6-18</u> | | |

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

| | | No, or small impact may occur | Moderate to large impact may occur |
|----|---|---|--|
| 1. | Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? | | |
| 2. | Will the proposed action result in a change in the use or intensity of use of land? | | |
| 3. | Will the proposed action impair the character or quality of the existing community? | | |
| 4. | Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | | |
| 5. | Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? | | |
| 6. | Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | | |
| 7. | Will the proposed action impact existing: a. public / private water supplies? | | |
| | b. public / private wastewater treatment utilities? | | |
| 8. | Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | | |
| 9. | Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | | |

Page 3 of 4

| | | No, or small impact may occur | Moderate to large impact may occur |
|--|---|---|--|
| 10. Will the proposed action result in an increase in the problems? | e potential for erosion, flooding or drainage | | |
| 11. Will the proposed action create a hazard to environr | nental resources or human health? | | |

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

| Name of Lead Agency | Date |
|--|---|
| Print or Type Name of Responsible Officer in Lead Agency | Title of Responsible Officer |
| Signature of Responsible Officer in Lead Agency | Signature of Preparer (if different from Responsible Officer) |

Page 4 of 4

1/20/67

Resolution No. 50

RESOLUTION REZONING LANDS OF MANUEL PANOSIAN ON ROUTE 328 TO PLANNED DEVELOPMENT DISTRICT.

Resolution by:Baer Seconded by:Griswold

1. **1**. 1

WHEREAS, Manuel Panosian has presented a petition to the Town Board requesting certain lands on Route 328 be rezoned from Residential to a Planned Development District for business, and

WHEREAS, said petition together with an outline development plan has been submitted to the Planning Commission of the Town of Horseheads, as required by law, and

WHEREAS, said Planning Commission has made their report in writing to the Town Board on January 7, 1967, disapproving said rezoning to Planned Development District for reasons stated therein, and

WHEREAS, the Town Board pursuant to law held a joint public hearing with the Planning Commission and said rezoning request the 16th day of January 1967, at 8:15 P.M. EST o'clock after due notice was published and posted pursuant to law and

WHEREAS, at the said public hearing all parties were heard interested on said application and a petition was filed in objection thereto, and

WHEREAS, said matter has been adjourned to a special meeting called for this date,

NOW, THEREFORE, BE IT RESOLVED, that the following land of Manuel Panosian be and the same is hereby rezoned from residential to Planned Development District for business upon the conditions as hereinafter stated. Said land is described as follows: ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Horseheads, County of Chemung and State of New York, bounded and described as follows:

Commencing at a point on the west side of Route 328 135 feet from the southeast corner of said Panosian's land; running thence westerly 412+ feet to a point which is 100 feet northerly from the southerly part of Panosian land and 95 feet easterly of the westerly boundary of said Panosian land; running thence northerly 196 feet to a point on the northerly boundary of said Panosian land which is 42 feet easterly from the northwest corner of said Panosian land; running ; thence easterly along the northerly boundary of said Panosian land 419.15 feet to the northeast corner of said Panosian land running thence southerly along the westerly boundary of NYS Route 328, 161.58 feet to the point of beginning. That the said land is rezoned subject to the following

conditions:

1. That the said Manuel Panosian dedicate or cause to be dedicated to the Town of Horseheads the remaining portion of his land which lies southerly and westerly of the above described portion.

2. That before any other type of business is to be located in the undeveloped areas as shown by the plot plan, that the said petitioners shall obtain approval of the Town Board for said type of business before locating the same therein, and the said petitioners shall by writing state there will not be located any business therein, without the approval of the Town Board and its uncontrolled discretion and if any land is sold by said petitioners, that as a condition of said sale, this restriction shall be included as part thereof.

3. That said petitioners will follow the recommendation of the Town Planning Commission in regards to the planning thereof and the location of the business approved by this Town Board. That said lands as rezoned in any event shall not be used for a supermarket or a gas station, and

BE IT FURTHER RESOLVED, that upon the complying with the conditions as hereinbefore stated, said Town Clerk be and she hereby is authorized to publish and post the same as required by law.

La V

Carried.

Ayes:Hazlett, McCaslin, Baer, Griswold and Treat. Nayes:none.

- 6 -

The Town Board advised the residents that the land to be dedicated to the Town by Mr. Panosian will be developed by the Town by filling same and planting trees thereon, and it is contemplated this will be done within 18 months.

Attorney Philip Leærned advised the Board that he is withdrawing his objection to the rezoning presently filed with the Board for the property that was just rezoned to Planned Development District since the adjoining residents request was complied with in the resolution adopted by the Town Board and their promise to fill and tree land to be dedicated.

He thanked the Board for their action in this matter.

There being ; no further business the motion was made by McCaslin seconded by Treat moved that the meeting be adjourned. Carried. Ayes:Hazlett, McCaslin, Baer, Griswold and Treat. Nayes:none.

and and a second for a second seco A second secon A second secon

1/20/67

Resolution No. 50

RESOLUTION REZONING LANDS OF MANUEL PANOSIAN ON ROUTE 328 TO PLANNED DEVELOPMENT DISTRICT.

Resolution by:Baer Seconded by:Griswold

· 🖓

WHEREAS, Manuel Panosian has presented a petition to the Town Board requesting certain lands on Route 328 be rezoned from Residential to a Planned Development District for business, and

WHEREAS, said petition together with an outline development plan has been submitted to the Planning Commission of the Town of Horseheads, as required by law, and

WHEREAS, said Planning Commission has made their report in writing to the Town Board on January 7, 1967, disapproving said rezoning to Planned Development District for reasons stated therein, and

WHEREAS, the Town Board pursuant to law held a joint public hearing with the Planning Commission and said rezoning request the 16th day of January 1967, at 8:15 P.M. EST o'clock after due notice was published and posted pursuant to law and

WHEREAS, at the said public hearing all parties were heard interested on said application and a petition was filed in objection thereto, and

WHEREAS, said matter has been adjourned to a special meeting called for this date,

NOW, THEREFORE, BE IT RESOLVED, that the following land of Manuel Panosian be and the same is hereby rezoned from residential to Planned Development District for business upon the conditions as hereinafter stated. Said land is described as follows:

Chemung County Planning Board

Chemung County Commerce Center 400 East Church Street P.O. Box 588 Elmira, New York 14902-0588

| F | Referral | Number |
|---|----------|--------|
| | | |

For office use only

| (607) 737-5510 |
|---------------------------|
| www.chemungcountyny.gov |
| planning@co.chemung.ny.us |

| Chemung County Planning Board – | - Municipal Referral Form |
|--|---------------------------|
|--|---------------------------|

(Please complete all information on both pages)

| Referring Municipality: X City City Vi | llage of <u>City of Elmira</u> |
|---|---|
| Referring Official: Thomas Skebey | Title: Director of Code Enforcement |
| Address: 101 W. Second Street, Elmira, NY 14901 | |
| Phone Number: X5694 | E-mail: tskebey@cityofelmira.net |
| Referring Board (check appropriate box): Legislative | e Board X 🗆 ZBA 🗌 Planning Board |
| Petitioner(s): Park Outdoor Advertising | Phone: (607)592-1150 |
| Petitioner's Mailing Address: 11 Ascot Place, PO Box 46 | 580, Ithaca, NY 14852_E-mail: Paul.Simonet@parkoutdoor.com_ |
| Location of Property: E. Madison Avenue | |
| Tax Map Parcel Number(s): 89.20-3-53 | |
| Current Zoning District: BG (Gateway Commercial) | |
| Proposed Action: (check all that apply) | |
| 🗆 X Area Variance | Subdivision Review |
| Use Variance | 🗆 Rezoning |
| 🗆 X Site Plan Review | Zoning Text Amendment |
| Special/Conditional Use Permit | Zoning Map Amendment |
| Comprehensive Plan Adoption / Amendment | Moratorium |
| LI Other (please specify): | |

Description of the proposed action (attach detailed narrative if available):



The proposed action applies to real property within five hundred feet (500') of the following

(Please identify each item by filling in the appropriate blank after each item)

(a) Boundary of the (City), (Village) or (Town) of: _____

(b) Boundary of any existing or proposed (County) or (State Park) or any (Other Recreation Area):

□ X (c) Right-of-way of any existing or proposed (County) or (State Parkway), (Thruway), (Expressway), (Road) or (Highway); (Include (County) or (State Route) # and name of (Road): County Route 352

(d) Existing or proposed right-of-way of any stream or drainage channel owned by the (County) or for which the county has established channel lines:

(e) Existing or proposed boundary of any (County) or (State) owned land on which a public building or institution is situated:

(f) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law (this subparagraph shall not apply to the granting of area variances: ______

Hearings/Meetings Schedule

| Board | Public Hearing Date | Meeting Dates (prior and future) |
|--------------------------------------|---------------------|----------------------------------|
| Town Board/Village Board of Trustees | | |
| Zoning Board of Appeals | 1/8/19 | 12/4/18 |
| Planning Board/Planning Commission | | |
| City Council | | |

Action taken on this application (reviewed, approved, discussed, etc.) Reviewed, discussed, Referred______

| | "Full Statement" Checklist |
|----------|--|
| | As defined in NYS General Municipal Law §239-m (1)(c) |
| ease ma | ke sure you have enclosed the following required information with your referral, as appropriate. |
| For All | Actions: |
| X | Chemung County Planning Board – Municipal Referral Form |
| <u>X</u> | All application materials required by local law/ordinance to be considered a "complete application" at the local level (PDF preferred). |
| <u>X</u> | Part 1 Environmental Assessment Form (EAF) or Environmental Impact Statement (EIS) for State Environmental Quality Review (SEQR). If Type II Action, provide a statement to that effect. |
| | Agricultural Data Statement, for site plan review, special/conditional use permit, usevariances, or subdivision review located in an Agricultural District or within 500 feet of a farm operation located in an |
| | Agricultural District, per Ag. Districts Law Article 25AA §305-a, Town Law §283-a, and Village Law §7-739. |
| <u>X</u> | Municipal board meeting minutes on the proposed action (PDFpreferred). |
| For Pro | oposing or Amending Zoning Ordinances or Local Laws: The above requirements AND |
| | Report/minutes from Town Board, Village Board or Trustees or Planning Board (PDF preferred) |
| | Zoning Map |
| | |

<u>Deadline</u>: Please submit completed referrals by close of business <u>10 business days prior to the Chemung County</u> <u>Planning Board meeting.</u>



Zoning Board of Appeals Application

To the Zoning Board of Appeals:

A. Statement of Ownership and Interest

| I (We) | PARK OUTDOOR ADVERTISING | |
|--------|--|--|
| of | Name of Applicant 11 ASCOT PLOCE POB 4680 | |
| | Street # ITHACA NY 14852-4680 | |
| | City, State, Zip | |

hereby appeal to the Zoning Board of Appeals for:

- 1. An interpretation of the Zoning Ordinance
- 2. A Certification of Continuing Nonconforming Use
- 🔲 3a. A Use Variance
- 🔀 3b. An Area Variance
- 4. A Special Permit
- 5. Change from one Nonconforming Use to another
- 6. Other:

B. Location of Property

1. The property in question is situated at the following address:

MADISON AVE E CONNER OF E WATER AND 2. current zoning classification Commercial INDUSTINAL (Available from Code Enforcement) 3. tax map # 89.20-3-53 (Available from Assessor's Office: (607) 737-5670)

4. Is the property in question located within five hundred (500) feet from the boundary of any city, village, or town, or from any county or state parkway, expressway, throughway, or other limited access highway, or from the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from any county or state lands on which a public building or institution is situated?

Yes Yes 🗖 No

C. <u>General Data</u>

| 1. | Current Us | <u> </u> | | · | - Trem Sc | |
|-----------------|--|--|--|---|---|-------------|
| 2. | Number of | f dwelling units | proposed | : N/A | | |
| 3. | Number of | f employees pro | posed: | NIA | | <u> </u> |
| 4. | Parking sp | ac es requ ired; | / | NR | | <u> </u> |
| | A. Propos | ed: | C, | Loading Zone Required: | Yes | 🗖 No |
| | B. Handic | apped: | D. | Curb Cut Permit Require | d: 🔲 Yes | 🗖 No |
| 5. | Type of No | on-Residential U | lse (if an ₎ | D | | |
| | | · | | · | · · · · · · · · · · · · · · · · · · · | |
| 6. | Lot Size | A. Length: _ | | | FL | |
| | | B. Depth: | <u> </u> | | Ft. | |
| | | C. Area: | (A and | B evailable from Assessor's Offic | Square Fl | L , |
| _ | | | (vi mini | (607) 737-5670 | ., | |
| - 7 | - Building Tr | nformation | | | | |
| 7. | . Building Ir A. Nu | nformation Imber of Stories | : <u> </u> | <u>a</u> | | • |
| 7. | Building Ir A. Nu B . Fi c | nformation Imber of Stories Dor area per sto | ry in squa | Refect: (Available from the A | ssessor's Office) | |
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D. <u>Request</u>

The complete Zoning Ordinance is available online at http://www.cityofelmira.net/permits

Date:

1. Provisions of the Zoning Ordinance:

Section: 540.6 Concerning: <u>Kight Y</u> _ To: <u>_2</u>6 inh From:_ 54 59 .50

2. <u>Previous Appéal</u> A previous appeal concerning this property

Has not been made

Result:

E. <u>Reasons for Request to Zoning Board</u> (attach additional pages if needed)

1. Interpretation of the Zoning Ordinance above is requested to determine whether:

2. <u>A Special Permit</u> would be in harmony with the intent and purpose of the Zoning Ordinance because:

Eimira City Hall E-Document

- 3. <u>A Variance of the Zoning Ordinance is requested for these reasons: (attach pages if needed)</u>
 - A. Strict applications of the Ordinance would produce <u>Undue Hardship</u> because:

SEE ATTACACD

B. The variance would observe the spirit of the Ordinance and would not change the character of the district because:

See ATTACHED

c. THE APPLICANT MUST PROVIDE A SEPARATE PAGE GIVING A <u>FULL</u> <u>DETAILED DESCRIPTION</u> OF THE REQUEST.

F. In addition to meeting the standards prescribed by the Zoning Ordinance, the applicant will provide:

in order that the public convenience and welfare will be further served.

G. If you would like to receive an electronic copy of the agenda and/or minutes that apply to your application, please provide your e-mail address, otherwise you may view and/or download this information at <u>www.citvofelmira.net/</u>. If you do not provide an e-mail address, please refer to #1 of the Application Instruction for meeting dates and times.

Applicant's e-mall address: TAUL, SIMWET @ PARKGOTDOOF, COM

Zoning Appeals are approved on a provisional basis, subject to the applicant obtaining all required permits and meeting all New York State Fire Prevention and Building Codes.

| STATE OF NEW YORK) COUNTY OF CHEMUNG) ss: | Applicant's Signature |
|--|--|
| Sworn to before me this day of | $\frac{PO.13}{\text{Applicant's Address}} \frac{9680}{1592} \frac{100}{156} \frac{9680}{1680}$ |
| (month) (year) | Applicant's Phone Number |
| | ← THIS FORM <u>MUST</u> BE NOTARIZED (|
| (Notary Public) Elmira City Hall E-Document | Page 4 |

Description of Variance Request

Park Outdoor Advertising (POA) has worked closely with the City of Elmira to identify two reasonable locations on City property where digital signs can provide much needed income to the City on property not viable for other use.

1304 College Avenue is an undersized lot that was identified for use and does not require a variance.

Unfortunately, the corner of E. Water Street and Madison, also owned by the City, is zoned Gateway Commercial, and requires relief in order to be used for signs.

Regarding "Strict Application of the Ordinance would produce Undue Hardship:

The location in question has no viable use other than something very small:

- The lot itself is very small.
- It is on the corner and has no viable use other than possible use as a sign.
- Significant revenue can be provided to the City for the leasing of the property, that otherwise will not be experienced.
- Effective advertising can be provided for downtown area businesses at reasonable rates.

In order for a sign to be viable there, it must:

- Be of such a size to be read at a reasonable distance. 32 sq ft is prohibitive. A standard sized sign (254 sq ft for digital) is very appropriate for the speed of traffic and size of road.
- Be of such a height that those crossing the river on the bridge can see it before the bridge crests. The more dangerous signs are ones that are blocked by cars or low to the ground. Further, a low
 - digital sign invites vandalism and unauthorized "climbing" on the sign. We would want to prevent any misadventures. A 16 ft overall height would have our normal sized sign start at 4.5 ft above ground...a tempting target for pedestrians walking by.

Park Outdoor Advertising is venturing into the world of Digital Signs out of necessity. We have the undue hardship of morphing our product line to include digital sign technology, driven by Advertising Agencies in the area, the State and even with national accounts.

POA, like other printed media companies are now competing with Internet advertising, social media, cable TV and other electronic media. This also passes down to our advertisers who now want more dynamic advertising capabilities, such as a restaurant wanting to advertise breakfast specials, lunch, dinner and "Happy Hour" information...all on the same day.

- We have been provided a permit for 1304 College Avenue, but our strategy for Elmira includes a sign presence on or near Water and Madison.
- We thought we were authorized to proceed, but upon closer inspection, a variance is required.
- Having half the exposure we anticipated is a significant negative impact on our ability to navigate the business case.

Regarding the Character of the Area:

The surrounding uses of property in the immediate area are in keeping with having a commercial sign in the area. NYSEG has a large parking lot adjacent to the City property. Further, there are car lots and industrial water providers in the area. The sign is far enough away from an apartment building to not provide any significant negative impact to tenants or visitors.

We hope that the City and County will not unduly withhold their approval for our variance requests.

Thank you for your every consideration.

Sincerely;

Paul Simonet Park Outdoor Advertising

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 - Project and Sponsor Information | <u> </u> | |
|---|-------------------|---------|
| Name of Action or Project: | : | |
| Project Location (describe, and attach a location map): | | |
| CONNER OF EWATER 7 MADISON | | |
| We propose TO EVECT A 2 SiDED DIGITAL SIGN | | |
| THAT READS TO MADISON (NORTHHOURD) AND E. WATER | ~ | |
| STREET (WESTBOUND) | | |
| | | |
| Name of Applicant or Sponsor: Telephone: (607) 592- | 1150 | , |
| PARK OUTDOOF ADVERTISING E-Mail: Gave. Simotora | 2000 and to the | mr. con |
| Address: | <u></u> | |
| 10 Bex 4680 | | |
| City/PO: State: Z TothACA Ny / | ip Code: 4852- | - 7680 |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? | NO | YES |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that | | |
| 2 Does the proposed action require a partit expression for the formula for the formula of the second section 2. | | |
| If Yes, list agency(s) name and permit or approval: | NO | YES |
| NYS DOT Approval RequiRED | | |
| 3.a. Total acreage of the site of the proposed action? | <u>.</u> | |
| c. Total acreage (project site and any contiguous properties) owned | | |
| or controlled by the applicant or project sponsor? | | - |
| 4. Check all land uses that occur on, adjoining and near the proposed action. | | |
| Urban LIRural (non-agriculture) Andustrial Commercial IResidential (suburban |) | |
| Parkland | | |
| | | |

| 5. Is the proposed action, | NO YES N/A |
|---|---------------------------|
| a. A permitted use under the zoning regulations? | |
| b. Consistent with the adopted comprehensive plan? | |
| i. Is the proposed action consistent with the predominant character of the existing built or natural | NO YES |
| landscape? | |
| . Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental A | rea? <u>NO YES</u> |
| f Yes, identify: | |
| a. Will the proposed action result in a substantial increase in traffic above present levels? | NO YES |
| | |
| b. Are public transportation service(s) available at or near the site of the proposed action? | |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac | tion? |
| . Does the proposed action meet or exceed the state energy code requirements? | NO YES |
| It the proposed action will exceed requirements, describe design reatures and technologies: | |
| 10. Will the proposed action connect to an existing public/private water supply? | NO YES |
| If Manufacture wathout for providing notable water | |
| If No, describe method for providing potable water: | |
| 11. Will the proposed action connect to existing wastewater utilities? | NO YES |
| If No, describe method for providing wastewater treatment: | |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic | NO YES |
| b. Is the proposed action located in an archeological sensitive area? | |
| 17 The state of the state of the second action and a distribute the second action and | |
| wetlands or other waterbodies regulated by a federal, state or local agency? | |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody | |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: | |
| | |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check Shoreline Forest Agricultural/grasslands Early mid-success | all that apply: sional |
| 🗋 Wetland 🖉 Urban 🔲 Suburban | |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed | NO YES |
| by the State or Federal government as threatened or endangered? | |
| 16. Is the project site located in the 100 year flood plain? | NO YES |
| | |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources? | NO YES |
| If Yes, a. Will storm water discharges flow to adjacent properties? | 図口 |
| | |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm dra If Yes, briefly describe: | ins)? |
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| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes construction of the impoundment of t | NO | YES |
|--|---------|-----|
| | R | |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? | NO | YES |
| If Yes, describe: | R | |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: | NO K | YES |
| I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Frank Ourson ADverticial Date: 10/19/18 Signature: fraul E Simpret | | |

RESOLUTION

NO. 18-11-03

<u>Motion</u> by Boardmember Wich to refer the application for an area variance for signage at E. Madison Avenue to the Chemung County Planning Board, pursuant to Section 1030 of the Zoning Ordinance of the City of Elmira and Sections 239(1)&(m) of the New York State General Municipal Law.

Seconded by Boardmember Shaffer.

WHEREAS, this matter concerns an application by Park Outdoor Advertising requesting the granting of an area variance for signage at E. Madison Avenue, Elmira, NY; and

WHEREAS, Paul Simonet, representing the applicant, stated the following: that the applicant has a lease with the City for four sign boards; and that the property on E. Madison Avenue requires area variances for sign height from 16' to 26' and 32 sq. ft. to 254 sq. ft. in order to increase visibility and meet industry standards; and that proposed is a two-sided, digital sign that will be illuminated 24 hours/day with dimmable lighting at night, governed by DOT requirements; and that the proposed complies with all DOT requirements; and

WHEREAS, Assistant Corporation Counsel Jeremy Hourihan advised that the DEC right-of-way has been addressed in the contract with the City; and

WHEREAS, this matter is a County Planning Board Referral;

NOW, THEREFORE, BE IT

RESOLVED, that the Elmira City Zoning Board of Appeals hereby refers the application and request by Park Outdoor Advertising for an area variance for signage at E. Madison Avenue, Elmira, NY to the Chemung County Planning Board, pursuant to Section 1030 of the Zoning Ordinance of the City of Elmira and Sections 239(1) & (m) of the New York State General Municipal Law.

<u>VOTE</u>

| AYES | | NAYS |
|------|----------------------|-------------|
| X | BOARDMEMBER WICH | |
| Х | BOARDMEMBER SHAFFER | |
| Х | BOARDMEMBER WILCOX | |
| Х | BOARDMEMBER MCCARTHY | |
| Х | BOARDMEMBER TOBIN | |

12/4/18



Madison & Water Faces South



Finger Lakes Division

2516 Corning Road Elmira, NY 14903 607-796-0333









| 3" [76] | | |
|--|---|--|
| | | |
| 3-3/8" [86] MBLY AND | LEDGER SHELF PROVIDED BY CUSTOMER (SEE DRAWING 3041598). TO BE ATTACHED WITH 5/8" [15,875] A325 HARDWARE @2 PER SHELF BY | |
| PROVIDED DETAIL B ICS SCALE 1/15 | CUSTOMER DETAIL C SCALE 1/15 | |
| VOTES: 1.0 REFERENCE 1.1 REFER TO INSTALLA MANUAL FOR COMPL 1.2 REFER TO DAKTRON ELECTRICAL POWER 1.3 ALL DIMENSIONS AR 1.3 ALL DIMENSIONS AR 2.0 PROJECT RESPONSIB 2.1 CUSTOMER IS RESPI- CERTIFYING THE SU 2.2 CUSTOMER IS RESPI- CERTIFICATION FOR 2.3 CUSTOMER IS RESPI- SUPPLYING EQUIPMI SAFETY FACTOR TO 2.4 DAKTRONICS AND CL CONFIRMING THE ST DAKTRONICS IS RES CLAMPS OF THE COF 3.1 OPEN AREA REQUIR DISPLAY TO BE SUP SUPPORTING LEDGE TOLERANCE ON THE LEDGER GAPS TO EF 3.1 OPEN AREA REQUIR DISPLAY = 8.458 FT ² 3.2 FORCED VENTILATIC PER DISPLAY = 2537. [0.786 M ²] AT THE INT 3.3 ACTIVE COOLING RE BE MET: CONTACT DAKTRON 3.4 INTAKES, EXHAUSTS SPACED HORIZONTA 4.1 DISPLAY IS FRONT A IS REAR ACCESS ON 4.3 DISPLAY WILL SHIP II 4.4 DISPLAY WILL SHIP II 4.4 DISPLAY WILL SHIP II 4.4 DISPLAY WILL SHIP II 4.5 WEIGHTS: SECTION TOTAL DISPLAY WILL [1203] | TION AND MAINTENANCE LETE INSTALLATION INSTRUCTIONS IICS RISER DIAGRAM FOR ALL AND SIGNAL CONNECTIONS E DUAL DIMENSIONED. IIITY ONSIBLE FOR DESIGNING AND PPORT STRUCTURE. ONSIBLE FOR OBTAINING LOCAL THE STEEL MOUNTING STRUCTURE. ONSOBLE FOR ENT W APPROPRIATE LIFT DISPLAY. USTOMER ARE RESPONSIBLE FOR RUCTURAL UPRIGHT QUANTITY AND SIZE. PONSIBLE FOR PROVIDING STRUCTURAL RRECT QUANTITY. PORTED EVENLY ACROSS ALL LEDGERS. ERS SHOULD NOT EXCEED 1/16" [1,5875 MM] ELEVATIONS. SHIMS SHALL BE USED TO FILL NSURE A DISTRIBUTED LOAD. RE VENTILATION NOTES (WHERE APPLICABLE) EMENTS FOR NATURAL CONVECTION: PER [0.786 M²] EACH AT INTAKE AND AT EXHAUST. ON IF OPTION #1 REQUIRMENTS CAN'T BE MET: .500 CFM [71.811 CMM] WITH 8.458 FT² TAKE EQUIRMENTS IF OPTIONS #1 OR #2 CAN'T ICS FOR ACTIVE COOLING REQUIRMENTS G, AND STRUCTURE FANS SHOULD BE EQUALLY ALLY ALONG THE WIDTH OF THE DISPLAY. ONS MINUM CONSTRUCTION WITH STEEL FACE ND REAR ACCESSIBLE, CONTROL SYSTEM ILY. N 1 SECTION. REA: 263.209 SQ. FT [24.460 SQ. METERS] EA: 246.240 SQ. FT. [22.876 SQ. METERS] IO = 2650 LBS [1203 KGS] EIGHT = 2650 LBS KGS] | |
| SUBM | | |
| APPROVED AS NOTED APPROVED AS NOTED & RESUBMIT | | |
| COMPANY: SIGNED' _ | | |
| TITLE: | DATE: | |
| DAKTRONICS, BROOKINGS, SD & DO NOT SCALE DRAWING | INC. THE CONCEPTS EXPRESSED AND DETAILS SHOWN ON THIS DRAWING ARE CONFIDENTIAL AND PROPRIETARY. DO NOT REPRODUCE BY ANY MEANS WITHOUT THE EXPRESS WRITTEN CONSENT OF DAKTRONICS, INC. G COPYRIGHT 2015 DAKTRONICS, INC. | |
| ۲۵۵: DIGITAL BILLBOARD ۱۳۲۱-۱: SHOP DWG: DB-5000 11'X23'(9X19 MODS) | | |
| DESIGN: JCOOK | DRAWN: JCOOK DATE: 07-JUL-15 | |
| SHEET: REV 1 OF 1 00 | JOB NO: FUNC-TYPE-SIZE 3067837 | |
| | | |





Chemung County Planning Board

Chemung County Commerce Center 400 East Church Street P.O. Box 588 Elmira, New York 14902-0588

(607) 737-5510 <u>www.chemungcountyny.gov</u> planning@co.chemung.ny.us

| | Referral Number | |
|----------|---------------------|--|
| Exercise | For office use only | |

| Chemung County Planning Board – Municipal Referral Form (Please complete all information on both pages) | | |
|--|---|--|
| Referring Municipality: □ City I Town □ Villag Referring Official: <u>Tom Whispel</u> Address: <u>476 maple St</u> , <u>Big</u> Phone Number: <u>562-8443 x20</u> Referring Board (check appropriate box): □ Legislative | ge of <u>big Flats</u> | |
| Petitioner(s): Do Ody Mini Mar Petitioner's Mailing Address: 6221 Mile Lo Location of Property: 10105 Co Pte 104 Tax Map Parcel Number(s): 58.03-1-5 Current Zoning District: Business Rec | <u>ts Inc</u> Phone: (570) 888-4344 ane Rd. E-mail: <u>dphillips@godundy</u> .com yre i PA (Duane Phillips) a 58.03-1-4 jonal (BR) | |
| Proposed Action: (check all that apply) Area Variance Use Variance Site Plan Review Special/Conditional Use Permit Comprehensive Plan Adoption / Amendment Other (please specify): | Subdivision Review Rezoning Zoning Text Amendment Zoning Map Amendment Moratorium | |

Description of the proposed action (attach detailed narrative if available):

See attached Bergmann review.

The proposed action applies to real property within five hundred feet (500') of the following

(Please identify each item by filling in the appropriate blank after each item)

(a) Boundary of the (City), (Village) or (Town) of: ______

(b) Boundary of any existing or proposed (County) or (State Park) or any (Other Recreation Area):

| ☑ (c) Right-of-way of any existing or proposed (County) or (S | tate Parkway), (Thruway), (Expressway), (Road) or (Highway); |
|---|--|
| (Include (County) or (State Route) # and name of (Road): | ounty Koute of |

□ (d) Existing or proposed right-of-way of any stream or drainage channel owned by the (County) or for which the county has established channel lines:

(e) Existing or proposed boundary of any (County) or (State) owned land on which a public building or institution is situated:

□ (f) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law (this subparagraph shall not apply to the granting of area variances: ______

Hearings/Meetings Schedule

| Board | Public Hearing Date | Meeting Dates (prior and future) |
|--------------------------------------|----------------------------|----------------------------------|
| Town Board/Village Board of Trustees | , | 119/2018 |
| Zoning Board of Appeals | 12/18/2018 | 12/18/2018 |
| Planning Board/Planning Commission | , | 111, 12018 |
| City Council | | |

Action taken on this application (reviewed, approved, discussed, etc.)

"Full Statement" Checklist

As defined in NYS General Municipal Law §239-m (1)(c)

Please make sure you have enclosed the following required information with your referral, as appropriate.

For All Actions:

- Chemung County Planning Board Municipal Referral Form
- All application materials required by local law/ordinance to be considered a "complete application" at the local level (PDF preferred).
- Part 1 Environmental Assessment Form (EAF) or Environmental Impact Statement (EIS) for State Environmental Quality Review (SEQR). If Type II Action, provide a statement to that effect.
- Agricultural Data Statement, for site plan review, special/conditional use permit, use variances, or subdivision review located in an Agricultural District or within 500 feet of a farm operation located in an Agricultural District, per Ag. Districts Law Article 25AA §305-a, Town Law §283-a, and Village Law §7-739. Municipal board meeting minutes on the proposed action (PDF preferred).

For Proposing or Amending Zoning Ordinances or Local Laws: The above requirements AND

- _____ Report/minutes from Town Board, Village Board or Trustees or Planning Board (PDF preferred) Zoning Map
- Complete text of proposed law, comprehensive plan, or ordinance (PDF preferred)

<u>Deadline</u>: Please submit completed referrals by close of business <u>10 business days prior to the Chemung County</u> Planning Board meeting.



October 29, 2018

Town of Big Flats Planning Board Attn: Brenda Belmonte 476 Maple Street Big Flats, NY 14814

Zoning Variance Review

Re: Dandy Mini Mart 1065 County Route 64 Tax ID: 58.03-1-5 & 58.03-1-4

Application Materials Received – October 19, 2018 Planning Board Meeting – November 6, 2018 Zoning Board Meeting – November 27, 2018

Project Description

The applicant has submitted a Zoning Variance application to various signs at the proposed Dandy Mini-Mart. The applicant has previously submitted a site plan application for the proposed development. The project is within the Business Regional (BR) Zone. A convenience mart is a permitted use through site plan approval.

The applicant has submitted the following as part of the sign variance application:

- Zoning Application
- Non-Residential Sign Variance Request Narrative
- Signage plans prepared by Dandy Mini-Mart dated 10/12/18

Applicable References to Town Code & Comments

Signs

(The references to the Town Code are merely summaries and are not inclusive. If uncertainty arises, refer to the appropriate section of the Town Code for clarification.)

17.52

The Zoning Board through Resolution ZBA-5-2013 dated October 22, 2013 previously issued a sign variance for the following:

- 1. To install three (3) principal use façade signs, rather than the two (2) allowed,
- 2. Allowance of sign area of 144 square feet on the freestanding sign rather than the 50 square feet allowed, and
- 3. Allowance of a second 122.8 square feet sign area on the second freestanding sign rather than the allowed 50 square feet.



The applicant is proposing the following signage for the principal convenient mart use:

One (1) Freestanding Sign along County Road 64 with product pricing and LED Message Board

- Total square footage = 248.8 SF (124.2 SF on each side)
- Total Height = 28 feet

One (1) Freestanding Sign along Interstate 86

- Total square footage = 200 SF (100 SF on each side)
- Total Height = 36 feet

One (1) Freestanding Sign on Fueling Canopy

- Total square footage = 191 SF
- Total Height Unknown
- One (1) Freestanding Sign on Diesel Fueling Canopy
 - Total square footage = 118.2 SF
 - Total Height Unknown

One (1) Façade Sign stating "Dandy Man"

- Total square footage = 110 SF
- One (1) Façade Sign stating "Eat Drink and Go Dandy"
 - Total square footage = 154 SF
- One (1) Projecting Sign stating "Dandy with Dandy Man Logo"
 - Total square footage = 137.1 SF

Total Cumulative Sign Area for the Principal Use = 1158.7 SF.

The applicant is also seeking a variance for the proposed future signs:

One (1) Accessory Use Façade Sign

• Total square footage = 18.5 SF

One (1) Accessory Use Projecting Sign

Total square footage = 22.6 SF

One (1) Accessory Use Awning Sign

• Total square footage = 26.9 SF

One (1) Accessory Use Façade Sign

• Total square footage = 38 SF

Two (2) Monument Sign

- Total square footage = 60 SF (30 SF for each)
- Total Height Unknown



One (1) Monument Sign

- Total square footage = 24 SF
- Total Height Unknown

One (1) Monument Sign

- Total square footage = 60 SF
- Total Height Unknown

One (1) Accessory Use Projecting Sign

• Total square footage = 38 SF

Total Cumulative Sign Area for Future Accessory Uses = 258 SF.

Per Section 17.52.050 (D), the following signage is permitted:

Façade signs:

Total number of façade signs permitted = two (2) for each principal use and one (1) for each accessory use. For a convenience mart, the principal use is the sale of motor vehicle fuels and groceries. A third use is permitted. As a result, six (6) façade signs are permitted.

The applicant is proposing 4 façade signs and is compliant with this section

Maximum Sign Area per Face = The lesser of ten (10) percent of the area of the side of the building the sign is installed on or two hundred (200) sq. ft. of the side.

The applicant has not provided dimensions of the proposed buildings; however, the west side of the Building has a total sign area of 264 square feet. The future façade signs are small and do not anticipate that they will exceed the maximum sign area per face. A variance from this section has been requested by the applicant.

Maximum Height of Façade Sign = 58 Feet

The applicant has not indicated heights for the façade signs but they will be less than 58 feet and therefore the application is compliant with this section.

Projecting signs:

Total number of façade signs permitted = two (2) for each principal use and one (1) for each accessory use. For a convenience mart, the principal use is the sale of motor vehicle fuels and groceries. A third use is permitted. As a result, six (6) façade signs are permitted.

The applicant is proposing 2 projecting signs and is compliant with this section

Maximum Projecting Sign Area per Face = Twenty-four (24) square feet.

The projecting sign on the front of the building is proposed to be 137.1 sf and as a result the applicant has requested a variance from this section.



Maximum Height of Projecting Sign = 24 Feet

The applicant has not indicated heights for the projecting signs but they will be less than 24 feet and therefore the application is compliant with this section.

Freestanding Signs:

Total number of freestanding signs permitted = 2The applicant is proposing 4 freestanding signs and therefore a variance will be required

Maximum Sign Area Per Face of freestanding sign = 50 square feet All of the freestanding signs exceed this requirement and a variance will be required.

Maximum Height of freestanding signs = 36 feet

All of the freestanding signs are compliant with the height. The height of the canopy is unknown but it is not anticipated that the canopy will exceed 36 feet.

Monument Signs:

Total number of monument signs permitted = 2

The applicant is proposing 3 future monument freestanding signs and therefore a variance will be required.

Maximum Sign Area Per Face of monument sign = 50 square feet

One of the future monument signs proposed a monument with a total monument face area of 60 square feet and therefore a variance would be required.

Maximum Height of monument signs = 12 feet

The applicant has not provided any heights for the future monument signs. The applicant has not requested a variance from this section, so it is assumed that all future monument signs will not exceed the maximum height of 12 feet.

Section 17.52.060(B)(4) states that the maximum aggregate sign area is 750 square feet. The application is requesting an aggregate sign of 1416.7 square feet.

Summary of Variance Requested

The applicant has submitted an application requesting variances from the following sections:

- 1. Section 17.52.050 (D) to permit a total façade sign area of 264 square feet on the western building face with the maximum sign area per face of building is 200 square feet.
- 2. Section 17.52.050 (D) to permit a project sign on the front of the building with an area of 137.1 square feet with the maximum projected sign area per face of the building is 24 square feet.
- 3. Section 17.52.050 (D) to permit 4 freestanding signs with only 2 freestanding signs being permitted.
- 4. Section 17.52.050 (D) to permit all four (4) freestanding signs to exceed the allowable sign area per face of 50 square feet.
- 5. Section 17.52.050 (D) to permit 3 monument signs with only 2 monument signs being permitted



6. Section 17.52.060(B)(4) – to permit maximum aggregate sign area is 1416.7 square feet, where an aggregate sign of 750 square feet is permitted.

Area Variance Criteria & Comments

Per Section 17.60.120 (B), in making a determination for an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant, if the area variance is granted, as weighed against the detriment to the health, safety, and general welfare of the neighborhood or community by such a grant. In making such determination, the Board shall consider the following:

1. Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment on nearby properties will be created by granting of the area variances.

Comment: The character of this area is commercial. The Board should examine the signage to determine whether the number and square footage of the proposed signage is comparable to other commercial users within the BR Zone.

2. Whether the benefit is sought by the applicant can be achieved by some method, feasible for the applicant to pursue other than area variance.

Comment: The signage could be adjusted to either reduce the amount of relief being requested or to be fulyl compliant with the Town Code. The Town Code is rather generous in the amount of signage allowable in this zone, reducing the signage would still allow for a considerable amount of signage to attract customers and carry out the brand and marketing scheme for the proposed development.

3. Whether the requested area variance is substantial.

Comment: It is our opinion that that signage is substantial and excessive for the propose use. The cumulative sign area is almost double than what is permitted by the code.

4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Comment: If the variances are granted it will not have an adverse effect or impact on the physical or environmental condition of the neighborhood.

5. Whether an alleged difficulty of compliance with this title was self-created, which is relevant to the decision, but shall not necessarily preclude the granting of the area variance.

Comment: The difficulty of complying with the sign requirements is self-created.

State Environmental Quality Review

Bergmann previously noted with the Site Plan application that the proposed development is an Unlisted action with an uncoordinated review. The applicant previously submitted the Short EAF for this project but due to the nature of



this development, we recommended that the applicant submit the Long Form EAF. To our knowledge this has not yet been submitted. SEQR must first be completed prior to issuing any sign variances.

County Review:

The zoning application must be referred to the Chemung County Planning Board for a review of potential intermunicipal impacts because the site meets at least one of the criteria for referral found in the General Municipal Law (GML) of New York State:

• The site borders the right-of-way of County Route 64 meeting the criteria of within five hundred feet of the right-of-way of an existing or proposed county or state parkway, thruway, expressway, road or highway. [GML 239-m(b)(iii)]

Recommendation

The following actions need to be completed by the Planning Board:

1. Start SEQR Process:

The applicant has submitted the Short EAF Form and for this project; however, due to level of development for this project we recommend that the Long EAF form be submitted. Once Part 1 of the Long EAF form has been received, we recommend that the Planning Board declare itself lead agency status.

- 2. Recommendation to the Zoning Board on the proposed variances:
- 3. Refer zoning application to the Chemung County Planning Board:

The site plan and variance application must be referred to the Chemung County Planning Board for a review of potential intermunicipal impacts because the site meets at least one of the criteria for referral found in the General Municipal Law (GML) of New York State:

If you have any questions regarding this review letter, please contact me by phone at (607) 333-3120 or via email at <u>rswitala@bergmannpc.com</u>.

Best Regards,

BERGMANN ASSOCIATES

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Robert Switala, PE, CPESC, CPSWQ Principal

Duane Phillips Jr. General Manager dphillips@godandy.com



Dandy Mini Marts, Inc. 6221 Mile Lane Road Sayre, PA 18840 570-888-4344 (x133) 607-857-4337 (mobile)

NON-RESIDENTIAL SIGN VARIANCE REQUEST NARRATIVE

As part of the proposed project, Dandy Mini-Mart. Inc is seeking to construct several identification, facade, and projecting signs within the Project Site. In order to meet the signage needs for the proposed convenience mart and fueling station, a Zoning Variance from the Town of Big Flats is required, for non-residential signage. A representative from HUNT Engineers, Architects, Land Surveyors & Landscape Architect, DPC (HUNT) and Dandy Mini Mart, Inc will be available at the board meeting/zoning hearing, to answer any questions and provide clarification on the variance request.

The Proposed Signs are as follows:

- 1. One (1) freestanding twin pole "Dandy" sign with a face area of 124.2 sf per side, for a total area of 248.4 sf. A total sign height of twenty (20) feet, and a total structure height of twenty-eight (28) feet. The sign is to be located along County Route 64, outside of the road Right-of-Way.
- 2. One (1) freestanding high rise "Dandy" sign with a total face area of 100 sf per side, for a total area of 200 sf, A total sign height of ten (10) feet, and a total structure height of thirty-six (36) feet. The sign is to be located along State Route 17/Interstate 86, outside of the highway right-of-way.
- One (1) freestanding gasoline fueling canopy with signage on three faces; one

 "Dandy" & "Dandy Man" canopy front face sign with a total area of 95 sf, two
 "Dandy" side canopy signs with a total area of 96 sf (48 sf each). The signs
 are to be located along the front canopy face and canopy sides of the gasoline
 fueling area.
- 4. One (1) freestanding diesel fueling canopy with signage on two faces; "Dandy Diesel" canopy face signs with a total area of 118.2 sf (59.1 sf per side). The signs are to be located along the front and back face of the diesel fueling canopy along the west side of the property.
- 5. One Principal Façade "Dandy Man" sign, image, with a total face area of 110 sf. This image/sign will be 10 ft by 11 ft and will be mounted on the west side of the building.
- 6. One Principal Façade "Tagline" sign, with the words "Eat Drink and Go Dandy", with a total face area of 154 sf each. The will be 14 ft in diameter and will be mounted on the west side of the building.
- 7. One Principal Projecting Sign, "Dandy Logo" with the "Dandy Man" and word "Dandy" below it. The sign will have a total face area of 137.1 sf, the Dandy Man will be 90 sf and the word "Dandy" will be 47.1 sf. This sign will be mounted to the front face of the building.

Proposed Future Signs:

- 8. One (1) Accessory Use Façade sign with a total face area of 18.5 sf. Located as shown on the overall signage plan.
- 9. One (1) Accessory Use Projecting sign with a total face area of 22.6 sf. Located as shown on the overall signage plan.
- 10. One (1) Accessory Use Awning sign with a total face area of 26.9 sf. Located as shown on the overall signage plan.
- 11. One (1) Accessory Use Façade sign with a total face area of 38 sf. Located as shown on the overall signage plan.
- 12. Two (2) Monument signs with a total face area of 60 sf (30 sf each). Located as shown on the overall signage plan.
- 13. One (1) Monument sign with a total face area of 24 sf. Located as shown on the overall signage plan.
- 14. One (1) Monument sign with a total face area of 60 sf. Located as shown on the overall signage plan.
- 15. One (1) Accessory Use Projecting sign with a total face area of 38 sf. Located as shown on the overall signage plan.

Attached are six (6) exhibits showing the aforementioned signs, their dimensions and their locations within the project site.

Based on the signage requirements set forth by the "Zoning Law of the Town of Big Flats, Chemung County, New York" there are several non-conformities within the proposed Dandy Mini-Mart, Inc signage scheme. In order to construct the signage as proposed, the applicant is seeking an area variance for non-residential signage. The following is a list of nonconformities:

- Section 17.52.060(B)(4) For business located in a BR (Business Regional) district, the maximum aggregate sign area is seven hundred fifty (750) square feet. Applicant is requesting a maximum aggregate sign area of 1,416.7 square feet.
- 2. Section 17.52.050(D) Maximum sign area per face of each freestanding sign is 50 sf. Applicant is requesting one (1) freestanding twin pole sign with an area of 124.2 sf per face (totaling 248.4 sf), one (1) freestanding high rise sign with an area of 100 sf per face (totaling 200 sf), one (1) freestanding gasoline fueling canopy with a total area of 191 sf (front face of 95 sf, and each side face of 48 sf) and one (1) freestanding diesel fueling canopy with a total area of 118.2 sf (59.1 sf per side).

- Section 17.52.050(D) Maximum sign area of facade per face in square feet to be the lesser of 10% of the area of the side of the building the sign is installed on, or 200 sf. The applicant is requesting that the maximum sign area for the west building face be a total of 264 sf.
- Section 17.52.050(D) Maximum sign area of a projecting sign per face in square feet shall be 24 square feet. Applicant is requesting that the maximum sign area for projecting signs be a maximum of 137.1 square feet. Two (2) projecting signs will exceed the allowable maximum area.

Area Variance Criteria Section 17.60.120 (Attachment to Zoning Application)

**Note: You must respond, in writing, to each item listed for the requested variance.

1. Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the area variance.

The adjacent area consists primarily of light industrial, commercial, and concentrated retail center uses. The Dandy Mini-Mart's signage variance requested will provide an attractive marketing scheme for the proposed Mini-Mart Store and for the surrounding area as a whole. Sign types and styles similar to those proposed for the Dandy Mini-Mart are already in place for several of the surrounding businesses.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variance.

The on-site marketing plan of the Dandy Mini-Mart, Inc relies entirely upon the various signs located within the site. Elements of the proposed signage, such as LED gas price lighting on the twin pole sign, will help to keep the Dandy Mini-Mart competitive as a business. The desired affect achieved by these signs, is what will drive consumer business both at the Dandy Mini-Mart and the various surrounding businesses.

3. Whether the requested area variance is substantial;

The aggregate sign area allowed for the site is 750 sf, the proposed aggregate sign area for the site is 1,416.7 sf which is an aggregate increase of 88.8% over the allowed aggregate sign area. While it appears this increase is significant, it should be noted that the total sign area for the diesel and gasoline fuel canopy alone is 309.2 sf., which is approximately 22% of the proposed aggregate sign area. LED gas price/message signs account for approximately 122 sf of sign area or 8.6% of the proposed aggregate sign area. Also, the proposed "twin pole" sign serves as the marketing and gas price sign for CR64. The additional "High Rise" sign is located along NYS Route 17 and offers marketing to people located outside of the CR64 area.

4. Whether the proposed area variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district;

The location of the proposed signs relative to adjacent buildings, is such that no damage to the neighboring buildings could be sustained from the proposed signage. Several of the proposed signs consist of LED, non-flashing lights that have controllable light levels and are energy efficient.

5. Whether the alleged difficulty of compliance with this title was self-created, which is relevant to the decision, but shall not necessarily preclude the granting of the area variance.

The proposed site signage is self-created as this is a proposed development, however the proposed signage is necessary to be competitive in this market & location.



FREESTANDING Fwin Pole = 248.4 FREESTANDING

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# **SNS (PRINCIPAL)**

 $0G0 = 137.1 \, S/F$ 

MAN: 12' x 7'6" = 90 S/F

DANDY: 14'6" X 3'3" = 47.1 S/F

