



## Chemung County Planning Board

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

Referral Number

For office use only

(607) 737-5510

[www.chemungcountyny.gov](http://www.chemungcountyny.gov)  
[planning@co.chemung.ny.us](mailto:planning@co.chemung.ny.us)

### Chemung County Planning Board – Municipal Referral Form

(Please complete all information on both pages)

Referring Municipality: ☐ City ☒ Town ☐ Village of Horseheads

Referring Official: Cathy Wood Title: Planning Board Secretary

Address: 150 Wygant Rd. Horseheads, NY 14845

Phone Number: (607) 739-8783 E-mail: cwoode@townofhorseheads.org

Referring Board (check appropriate box): ☐ Legislative Board ☐ ZBA ☒ Planning Board

Petitioner(s): Town of Horseheads Phone: (607) 739-8783

Petitioner's Mailing Address: 150 Wygant Rd  
Horseheads, NY 14845 E-mail: tskeby@townofhorseheads.org

Location of Property: Town of Horseheads

Tax Map Parcel Number(s): \_\_\_\_\_

Current Zoning District: \_\_\_\_\_

#### Proposed Action: (check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Area Variance                           | <input type="checkbox"/> Subdivision Review               |
| <input type="checkbox"/> Use Variance                            | <input type="checkbox"/> Rezoning                         |
| <input type="checkbox"/> Site Plan Review                        | <input checked="" type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Special/Conditional Use Permit          | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> Comprehensive Plan Adoption / Amendment | <input type="checkbox"/> Moratorium                       |
| <input type="checkbox"/> Other (please specify): _____           |   |

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

Proposed changes of the Town of Horseheads  
Code, Chapter 152 Signs.

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: V. of Horseheads, Elmira Heights, Town of Veteran

☒ (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	9-11-19	8-14-19
Zoning Board of Appeals		
Planning Board/Planning Commission		1 <sup>st</sup> mtg. 11-7-18 through 8-7-19
City Council		

8-7-19 passed. Made recommendation by  
Action taken on this application (reviewed, approved, discussed, etc.) to Town TB for approval

#### "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)

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

G.

Signage. The intent of the following standards and provisions is to protect and improve property values, create a more attractive economic and business environment and reduce distractions and obstructions that can disrupt the visual appeal of a commercial district. These provisions are aimed at creating a more pleasant and uniform visual setting and eliminating the chaotic and haphazard design, orientation and placement of signage that can result in scenic blight.

(1)

Any freestanding sign in the HCOD shall be low-profile, ground-level monument-type signage which shall not exceed the following:

[Amended 9-12-2012]

(a)

Monument sign: 120 square feet per face maximum; 15 feet tall. For good cause, the Town Planning Board may, upon site plan review, increase the height of the sign above grade level to 20 feet.

(b)

Low-profile sign: 150 square feet per face maximum; eight feet tall with a two-foot-tall base under the full length of the sign.

(2)

No sign shall be erected in such a manner as to prevent the driver of any vehicle from having a clear and unobstructed view of any official sign(s), any entrance or exit roadway, any intersection, or approaching or merging traffic.

(3)

Street address numbers shall be posted on all buildings.

(4)

No signs shall be placed, inscribed or supported on the roof or above the highest part of the roofline.

**Insert new Section 5:**

***(5) Off Premise (Advertising) Signs:***

***Off-premise signs are an important form of advertising for local and extra-local businesses. However, they are not appropriate in every zoning district. Therefore, off-premise signs are hereby made allowable only in each overlay district conditioned on the following:***

***a) Area of sign shall not exceed 300 square feet***

***b) Height of sign from grade of road shall not exceed 20 feet***

***c) Digital signs shall conform to all New York State Department of Transportation requirements for Commercial Electronic Variable Message Signs (CEVMS) in New York State, as may be amended from time to time.***

(6) In addition to the above-noted provisions, all signage shall comply with the standards set forth in Chapter 152, Signs. In the event the provisions hereof conflict with the provisions of Chapter 152, the provisions of this article shall take precedence.



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| <input type="checkbox"/> Other (please specify): _____           |   |

Description of the proposed action (attach detailed narrative if available): Cell Tower Code Review

Please see attached proposed changes to Town of Horseheads code, Chapter 204 Zoning Article XV Special Permits, § 204-101 Conditions, requirements + Article II Terminology, § 204-3 Word Usage + § 204-4 Definitions

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: Village of HHSOS Village of Elm. Heights, Town of Big Flats, Elmira, Veteran, Erin, Patton
- ☒ (b) Boundary of any existing or proposed (County) or (State Park) or any (Other Recreation Area): Various County Roads

☐ (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): \_\_\_\_\_

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Zoning Board of Appeals		
Planning Board/Planning Commission		
City Council		

8-7-19 passed PB mtg. Made recommendation

Action taken on this application (reviewed, approved, discussed, etc.) to TB for approval.

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## **Chapter 204. Zoning**

### **Article XV. Special Permits**

#### **§ 204-101. Conditions; requirements.**

The Code Enforcement Officer shall issue a building permit for the following land uses only when so authorized by the Zoning Board of Appeals after such Board of Appeals has determined that the conditions and requirements set forth hereinafter have been satisfied.

- A. Cemeteries and the buildings incident thereto in any zoning district shall be permitted upon written approval of the Chemung County Health Department and a finding by the Planning Board that the proposed cemetery or extension thereof does not conflict with the objectives of the Comprehensive Plan.
- B. Public utility lines and structures in any zoning district.
  - (1) Public utility lines and structures shall be permitted when such lines or structures conform to the requirements of § 175-21 of Chapter 175, Subdivision of Land of the Code of the Town of Horseheads, provided that structures must be attractively landscaped and, if located adjacent to residential uses, screened from such uses by a buffer strip dense enough and high enough to act as an effective barrier between such structure and adjacent residential use.
  - (2) When a request for a special permit under this subsection involves the installation of a high-pressure gas line, the Board of Appeals may require such line to be installed within a safety zone the width of which shall be determined by the Board of Appeals.
- C. Gasoline service stations in Business and Industrial and Manufacturing Zones. Gasoline service stations may be located in these specified zoning districts, provided that:  
[Amended 11-5-1997]
  - (1) The site for such use has a minimum area of 20,000 square feet and a grade not more than the center line of the adjacent road or roads.
  - (2) The vehicular entrances and exits shall not be located within 300 feet of entrances or exits to public parks or playgrounds, and that such entrances and exits are so planned that, at maximum expected operation, vehicular movements into or from the service station will cause a minimum of obstruction on streets or sidewalks.
  - (3) Any facilities for lubrication, motor repairs or washing are located within a completely enclosed building.

- (4) The site is so designed to provide waiting space for five automobiles within the lot area in addition to spaces available within an enclosed lubritorium or at the pump or pumps. There shall be no storage of unlicensed and/or unregistered vehicles or facilities for trailer rentals, etc.
- (5) Entrances and exits are so planned that, at maximum expected operation, vehicular movement into or from the service station will cause a minimum of obstruction on streets or sidewalks. In no case shall curb cuts be located less than 25 feet from the street right-of-way line at an intersection.
- (6) Along any rear lot line or side lot line adjoining a residential zoning district the lot is screened by either of the following methods:
  - (a) A strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or
  - (b) A wall, barrier or fence not more than eight feet high, opaque or perforated, provided that not more than 50 of its face is open.
- (7) Any proposed sign complies with the requirements of Town Law.
- (8) No major repair work such as engine overhaul or bodywork shall be performed in stations permitted in Neighborhood Service Zones, and not within 200 feet of a residential zone in other permitted zones.
- (9) All fuel pumps, car lifts, pits and other service equipment or appliances are located at least 20 feet from any street or highway right-of-way line and at least 35 feet from other property lines.
- (10) Lots on which gasoline stations are located shall be maintained at all times. No equipment, vehicles, salvage materials, tires, batteries, accessories or parts are to be stored outside unless screened or enclosed so as not to be visible from off the property.
- (11) Any additional conditions or safeguards to minimize adverse effects on the character of the surrounding area and to protect adjoining properties may be required by the Board of Appeals.
- (12) The business of selling and dealing in secondhand and used cars permitted in a business and/or manufacturing district may be carried on, provided that all said cars, trucks and other automobiles shall be in a good state and condition of repair and can be operated at all times under their own power and shall comply at all times with all requirements of the laws of the State of New York and rules and regulations promulgated thereunder for operation thereof on public highways and provided that such cars, trucks or other automobiles shall not be parked or stored within the required front yard for the district.[1]
  - [1] *Editors Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*

D. Passenger transportation terminals in industrial and manufacturing zones.

- (1) All parking areas and access drives shall be paved.

(2) Driveways shall be no wider than 22 feet and shall be located so as not to interfere with traffic at any street intersection.

(3) Any passenger transportation terminal located adjacent to residential uses shall be screened from such residential uses by a landscaped buffer strip dense enough and high enough to reduce noise and screen out objectionable views. [See § 204-101C(6)(a) and (b).]

E. Single-family or two-family dwellings in Business Zones. Such uses must conform to the provisions of § 204-29 of this chapter.

F. Animal hospital, kennel or place for the boarding of animals in Business Zones, Industrial and Manufacturing Zones, or Agricultural and Hill Zones. These uses shall be:

(1) Permitted when such use will not create undue noise and odor.

(2) No structure, runway or outdoor kennel may be located within 200 feet of any residential use. [2]

[2] *Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*

G. Nurseries and greenhouses, commercial nurseries and greenhouses in Residence B, Industrial and Manufacturing Zones, and Agricultural and Hill Zones.

(1) The applicant must demonstrate that adequate and safe parking off the right-of-way will be provided.

(2) The storage or stockpiling of material or produce shall not occur in the front or side yard area of any retail sales building.

H. Motor vehicle sales, repair and service establishments in Business Zones and Industrial and Manufacturing Zones.

(1) Driveways and curb cuts shall be clearly defined and no wider than 25 feet.

(2) Driveways and parking areas shall be drained and paved and any front yard area not used for parking shall be landscaped.

(3) A strip at least six feet wide across the road frontage shall not be used for the parking and display of vehicles. Such strip shall be landscaped.

(4) The business of selling and dealing in secondhand and used cars permitted in a business and/or manufacturing district may be carried on, provided that all said cars, trucks and other automobiles shall be in a good state and condition of repair and can be operated at all times under their own power and shall comply at all times with all requirements of the laws of the State of New York and rules and regulations promulgated thereunder for operation thereof on public highways, and provided that such cars, trucks or other automobiles shall not be parked or stored within the required front yard for the district. [31]

[3] *Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.*

(5) No equipment or any type of salvage, maintenance materials, parts or junk shall be stored in front or side yards unless enclosed by decorative fencing designed to screen out objectionable views.

(6) The vehicular entrances and exits shall not be located within 300 feet of entrances or exits to public parks or playgrounds, and such entrances and exits shall be so planned that, at maximum expected operation, vehicular movements into or from the service station will cause a minimum of obstruction on streets or sidewalks.

(7) Along any rear lot line or side lot line adjoining a residential zoning district the lot shall be screened by either of the following methods:

(a) A strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting and which are of a type which may be expected to form a year-round dense screen at least six feet high within three years; or

(b) A wall, barrier or fence not more than eight feet high, opaque or perforated, provided that not more than 50 of its face is open.

~~I. Towers (electric, radio and television transmitting and receiving), poles, whips, or antennas. In all districts in which the building height is restricted the aforesaid towers (electric, radio and television transmitting and receiving), poles, whips or antennas may be permitted, provided that the following requirements are met along with any other requirements deemed necessary by the Board of Appeals so as to protect the health, safety and welfare of the public, as follows:-~~

~~(1) Said towers, poles, whips or antennas shall meet the yard requirements of the primary use in the district except that guy wires and anchors may be located within such required rear yard area.-~~

~~(2) If required by the Board, the applicant shall submit plans along with engineering and structural data relative to the aforesaid towers, etc.-~~

~~(3) The applicant shall file all applicable Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) permits.-~~

~~(4) If the applicant is not the owner of the structure upon which the tower is to be connected or attached or located thereon of the adjoining land, the consent of the owner of the structure and/or land shall be obtained by the applicant. Said tower should be adequately covered by the applicant with general liability insurance, and a certificate of such insurance shall be filed upon approval of the application.-~~

## **I. Communications Towers (Amended Oct. x, 2019).**

### **GENERAL REFERENCES**

Definitions - See Ch. §204-4

Zoning - See Code of the Town of Horseheads, Ch. 204.

**I-A Review procedure.**

**I-B Permitted districts.**

**I-C Application materials and supporting documents.**

**I-D Co-location requirements.**

**I-E Adherence to local, state and federal standards; proof of compliance.**

**I-F Inspections and licenses.**

**I-G Performance standards.**

**I-H Screening and security of communications towers and accessory structures.**

- I-I Design of antennas, communications towers, accessory structures and site.
- I-J Communications tower setbacks and visibility.
- I-K Compliance with other agencies and governments.
- I-L Assignment of permit.
- ~~I-M~~ Removal of abandoned or unused communications towers.
- I-N Exemptions.
- I-O Fees.

## A Review procedure.

— modified or replaced except pursuant to the following process: icted, connected to,

### 2. Town of Horsehead Planning Board Review and Recommendation, SEQRA Recommendation.

(a) The application information and support materials described in §§ 204.101.I-C and/or 204.101.I-D shall first be submitted to the Town of Horseheads Planning Board (PB) and/or the Zoning Board of Appeals (ZBA).

(b) The PB shall evaluate the proposed application materials for their completeness and accuracy. The PB is authorized to request from the applicant any additional information that the PB determines, in its absolute discretion, is necessary to further explain or describe the proposed application materials and their compliance with §§ 204.101.I-C and/or 204-101.I-D.

(c) The Planning Board will be the appropriate Lead Agency for the proposed PWS (Personal Wireless Services) facility's review pursuant to SEQRA.

(d) Upon completing its evaluation, the PB, in its discretion, may refer the proposed PWS facility's application materials to the ZBA for its review with a recommendation from the PB as to the application's compliance with §§ 204.101.I-C and/or 204-101.I-D.

3. Planning Board Pre-Application Review. The Planning Board shall conduct a pre-application review as required by § 204-76 which may, among other things, evaluate the proposed PWS facility's application materials for their completeness and accuracy. The Planning Board is authorized to request from applicant any additional information that the Planning Board determines, in its absolute discretion, is necessary to further explain or describe the proposed PWS facility's application materials and their compliance with §§§ 204-77 and 204-78. Upon concluding the pre-application review to its sole satisfaction, the Planning Board may render a final determination that the proposed PWS facility's application is complete. The Planning Board shall confirm its final determination in writing to the applicant, which shall include the date upon which the application was deemed to be complete.

**4. Complete PWS Facility Application Determination Made, SEQRA Review.**

(a) All proposed PWS facilities shall be SEQRA Type I Actions.

(b) Planning Board as SEQRA Lead Agency. The Planning Board is the proper Lead Agency for the proposed PWS facility's SEQRA review, the Planning Board shall comply with the provisions of Article 8 of the New York Environmental Conservation Law and its implementing regulations as codified in New York Code Rules and Regulations Title 6, Part 617.

(c) Zoning Board of Appeals as SEQRA Lead Agency. Where the PB has decided that the Zoning Board of Appeals is the proper Lead Agency for the proposed PWS facility's SEQRA review, the Zoning Board of Appeals shall comply with the provisions of Article 8 of the New York Environmental Conservation Law and its implementing regulations as codified in New York Code Rules and Regulations Title 6, Part 617.

**5. Planning Board Review.** All proposed PWS facilities shall be subject to Planning Board review and approval pursuant this chapter and the requirements and procedures of Article IX, Special Use Permit and Site Plan Approval.

**6. Zoning Board of Appeals Review.** The Zoning Board of Appeals shall have the authority to review and approve, approve with modifications or deny Special Use Permits pursuant to this chapter and Article XV, Special Use Permits.

**7. If a variance is required, the Zoning Board of Appeals shall comply with the provisions of Code of the Town of Horseheads, Ch.204.**

## **B Permitted districts, special requirements.**

1. Communications towers and antennas proposed in or within 750 feet of prohibited districts shall be subject to Chapter 204, Article XV, Special Use Permits. In addition to the information mandated by the foregoing provisions, applicant must demonstrate by or provide in the proposed PWS facility's application materials, as supported by substantive evidence:

- (a) Signal strength measurements showing that the applicant would not be able to provide service to the area without locating in the described area.
- (b) That co-location on existing communications towers would compromise the existing towers' structural integrity and that the tower(s) cannot be modified to support the proposed antenna(s).
- (c) That co-location on an existing current structure, utility pole, building or a new communications tower within a permitted district is impossible due to surrounding topography or other land features, whether natural or manmade. The fact that additional cost may be incurred and additional antennas may be required is not conclusive of an inability to so co-locate.

2. In the event the applicant meets the criteria of Subsections A and B above, subject to all other requirements of this chapter, a proposed PWS facility located outside a district zoned for towers or within 750 feet of a prohibited district must meet the following additional criteria:

(a) If the communications tower is less than 35 feet in height or the PWS antennas are to be located on a structure of less than 35 feet, the Planning Board in its discretion may require that the communications tower and/or antennas be completely camouflaged to blend with the surroundings, including but not limited to:

- (1) The communications tower being made to look like a tree, silo or other alternative tower masking design selected by the Town in its sole discretion.
- (2) Camouflage by artificial leaves, painting or other suitable method. Deteriorating camouflage or paint will be replaced at the Town's request, at the tower owner's expense.
- (3) Enclosed with some modification to the structure or similar screening.

3. If applicant has proven that a communications tower greater than 35 feet is needed to provide the required coverage, the Planning Board may require that more than one communications tower being 35 feet or less be built in lieu of a single taller communications tower in order to provide the required coverage. In such case, all of the criteria of this chapter must be fulfilled for each such communications tower.

4. In all events of PWS facilities located in prohibited districts with a Zoning Board variance, the applicant must provide substantial foliage and landscaping within the vicinity of the communications tower as well as landscaped buffer areas, the adequacy of which shall be determined by the Planning Board pursuant to §§204.73, 204.77 & 204.101, Screening and the provisions of this chapter.

### **C Application materials and supporting documents.**

The following information shall be submitted in support of an application for a PWS facility. This information is required in addition to the information and documents mandated by Code of the Town of Horseheads, Ch.204, Articles IX and X, pertaining to site plan review, specific use permits or variances. This information is subject to Planning Board review processes.

1. A full application on a form supplied by the Town and the truthfulness attested to by a licensed professional engineer:

2. A Long Form Environmental assessment form (EAF), including a site description that identifies and describes:

(a) The proposed PWS facility, including but not limited to:

(i) the type of service and facilities to be provided;

(ii) the size of applicant's trading area (overall network area) within the Town and five miles beyond as licensed by the FCC;

(iii) the size of the area to be served by the proposed PWS facility;

(iv) the general service improvements to applicant's customer base that will be achieved if the proposed PWS facility is permitted;

(v) the need for and/or improvements in emergency communications that will be achieved if the proposed PWS facility is permitted;

(vi) any upgrading of necessary infrastructure (if any) for business development within the proposed PWS facility's service area; and

- (vii) the elimination of redundant facilities or equipment to be achieved if the proposed PWS facility is approved;
  - (b) Man-made topographical features at and within one (1) mile of the selected site;
  - (c) Environmental resources on or adjacent to the selected site, including but not limited to water bodies and wetlands;
  - (d) Surrounding vegetation (i.e. tree species) at the selected site;
  - (e) Fencing around the proposed PWS facility;
  - (f) Building materials for equipment sheds;
  - (g) Proposed visual impact mitigation measures and a description of applicant's efforts to minimize visual impacts. If this objective cannot be accomplished, applicant shall provide an explanation why the minimization of visual impacts is technically impossible, providing substantive evidence to support this claim. Increased costs associated with minimizing visual impacts shall not be considered sufficient support of a claim of impact mitigation infeasibility.
  - (h) Applicant's compliance with the National Environmental Policy Act of 1969 and the National Historic Preservation Act; and
  - (i) All SEQRA Involved Agency permits required, as applicable.
3. The manufacturer's or applicant's design drawings pertaining to installation, stamped by a licensed professional engineer.
4. The applicant's maintenance and inspection schedule.
5. Site access, road alignment, road width, road surface type, proposed curb-cuts, anticipated construction and operation vehicular traffic to and from the site and construction parking and storage areas. Location of the curb cut is subject to NYSDOT regulations or a Town Highway work permit.
6. Each application for installation of antennas shall include either a preliminary or a certified statement that the installation of the antennas, including reception and transmission functions, will not interfere with the radio or television service enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications. In the event only a preliminary statement is submitted with the application, a final certified statement on noninterference will be provided and approved by the Town prior to the issuance of a permit. A Town-approved professional engineer shall prepare the statement.

7. A safety analysis and certification by a licensed professional engineer that the proposed PWS facility will be in compliance with all applicable FAA and FCC laws and regulations.
8. Proof of the site owner's consent, if the applicant is not the owner of the site on which the applicant seeks to locate a commercial PWS facility.
9. The name of the operator, owner, lessee(s) to the application, with correct direct contact information for the same.
10. A copy of applicant's FCC license.
11. Names and addresses of adjacent property owners as contained in public records.
12. An inventory of applicant's existing sites. Each applicant shall provide a map showing applicant's FCC-licensed service area (within the municipality and five miles beyond) with a separate map showing applicant's inventory of its existing communications towers and antenna sites within the Town and within one mile of the Town's border including, for each such structure, specific information regarding the communications tower and/or antenna height and the location, street address, tax parcel, latitude and longitude and mean sea level height of the communications tower base.
13. The location of any equipment or other facilities required by each of the potential co-locators or additional users, as provided for in § 204-101.D of this chapter.
14. A visual impacts study, generated by an appropriately licensed consultant that:
  - (a) Complies with the NYS Department of State Model Visual Impact Analysis methodology;
  - (b) Complies with §§ 204-101.I-I and 204.101.I-K;
  - (c) Describes the natural and manmade character of the area surrounding the proposed PWS facility's site, including identifying highways and residential and commercial streets and roads, vegetation, land use and visually sensitive sites including but not limited to parks, historic sites and public access facilities (such as trails and boat launches) within a five (5) mile radius of the proposed PWS facility's site;
  - (d) Includes a computer-imaged photograph of any proposed communications tower as it would appear on the site, including any proposed attachments, from at least three different angles selected by the Town and during all four seasons of the year;
  - (e) Includes a list of key viewer groups, including but not limited to residents, hikers, motorists, campers and boaters;

(f) Identifies key viewpoints, such as public roads, recreation areas and residential developments with a determination whether the viewpoints are stationary or moving and the view's duration;

(g) Describes the width of the field of view and the horizontal viewing angle;

(h) States whether the view is through vegetation or open area;

(i) Identifies the natural and manmade features that will be seen by the view in the foreground (0 to 0.5 mile), middle ground (0.5 to 3.5 miles) and background (3.5 to 5 miles) views;

(ii) Includes a visual analysis map, line of sight profiles, and visual simulation photographs keyed to the site map consistent with visual analysis methodology;

(iii) Demonstrates applicant's compliance with the National Environmental Policy Act of 1969 and the National Historic Preservation Act; and

(iv) Includes a description of applicant's efforts to minimize-visual impacts. If this objective cannot be accomplished, applicant shall provide an explanation why the minimization of visual impacts is technically impossible, providing substantive evidence to support this claim. The Town may consider these efforts and require additional efforts if there is a reasonable basis, in the Town's sole discretion, for such requirement.

15. Applicant shall select a preferred alternative site based on the lowest potential visual impact and the preferred alternative site's technical and economic feasibility. Applicant shall provide the Town with:

(a) A signal propagation study for the preferred alternative site; and

(b) A detailed explanation supporting the preferred alternative site's selection that includes a demonstrated need for service supported by substantive evidence; environmental, visual and site impacts; initial development and life-cycle costs; and an explanation of why other alternative sites were not preferred.

16. Additional submission requirements for communications towers include:

(a) Identification and description of an anti-climbing device.

(b) A report from a licensed professional engineer, which describes the communications tower, including its height and design, demonstrates the communications tower's compliance with applicable structural standards (including but not limited to foundation design, wind loading and guy wire plans) and describes the communications tower's capacity, including the number and types of antennas it can accommodate.

(c) A preliminary or a certified statement that the installation of the communications tower, will not interfere with the PWS services enjoyed by adjacent residential and nonresidential properties or with public safety telecommunications. In the event only a preliminary statement is submitted with the application, a final certified statement on noninterference will be provided and approved by the Town prior to the issuance of a permit. A town-approved professional engineer shall prepare the statement.

(d) The site plan shall show distances between the proposed communications tower structure and structures on adjoining properties within 750 feet, together with the names and addresses of all property owners within 750 feet of the boundary of the property on which the communications tower is proposed, as contained in the public records.

(e) Identification and location of any PWS antennas located within one mile of the proposed communications tower, regardless of ownership.

(f) As-built drawings certified by a professional licensed engineer, within 60 days after completion of the construction

A demolition bond or other security acceptable to the Town for the purpose of removing the communications tower if the owner fails to do so upon the communications tower disuse for a period of six months, or has been ordered removed by the Town, because the communications tower is no longer necessary to achieve or facilitate the applicant's permitted use. Such bond or security shall be automatically renewable on each anniversary until advised by the Town of Horseheads in writing that it is no longer needed.

17. Any application to the Planning Board shall include copies of the full application, if one is required, to the Zoning Board of Appeals.

#### **D Co-location requirements.**

1. All antennas and communications towers erected, constructed or located within the Town shall comply with the following requirements:

(a) A proposal for a communications tower shall not be approved unless the Planning Board finds that the antenna planned for the proposed communications tower cannot be accommodated on an existing or approved communications tower or structure due to one or more of the following reasons:

(b) The antenna would exceed the structural capacity of the existing or approved communications tower or structure, as documented by a qualified professional engineer, and the existing or approved communications tower cannot be reinforced, modified or replaced to accommodate the planned or equivalent antenna. All reasonable costs of such modification or replacement of the communications tower or structure shall be presumed to be borne by the owner of the proposed antenna.

(c) The antenna would cause interference materially impacting the usability of other existing or planned antenna at the communications tower or building as documented by a qualified professional engineer and the interference cannot be prevented at a reasonable cost.

(d) Existing or approved communications towers and structures cannot accommodate the antenna at a height necessary to function reasonably, as documented by a qualified professional engineer, and cannot be modified or replaced as provided for in Subsection A(1)(a) above.

(e) Other unforeseen reasons that make it infeasible to locate the antenna upon an existing or approved communications tower or structure.

2. Any proposed communications tower shall be designed, in all respects, to accommodate both the applicant's antennas and comparable antennas for three or more additional users. Communications towers must be designed to allow for future rearrangement of antennas upon the communications tower and to accept antennas mounted at varying heights. Additionally, the necessary land to accommodate the equipment of said additional users shall be under the control of the communications tower applicant. This control may be through ownership, lease or contract with a period of time no less than the control the applicant has over the land used for the equipment for subject communications tower application.

3. The applicant shall submit to the Planning Board a letter of intent committing the applicant, and his/her successors in interest, to negotiate in good faith for shared use of the proposed communications tower or structure by other PWS providers in the future.

4. Co-location on communications towers, structures or land encumbered by an antenna, structure or communications tower existing prior to July 2018.

Notwithstanding anything to the contrary herein, the co-location requirements of this chapter are intended to be enforceable as to existing antennas, communications towers and structures and/or land encumbered by antennas, structures or communications towers. Accordingly, upon a renewal, extension or exercise of option for a renewal term of an existing lease for land, structure or communications tower, a clause in any such lease, whether entered into prior to or after the enactment of this chapter, which provides for exclusivity as to the land, structure or communications tower in favor of one or more carriers shall not be enforceable against a carrier seeking co-location.

#### **E Adherence to local, state and federal standards; proof of compliance.**

All PWS facilities must meet or exceed all applicable federal, state and local laws, rules, standards or regulations of the FCC and the FAA. If such standards, rules, laws or regulations are changed or amended, at any time in the future, then the owners of such facilities shall bring those facilities into compliance with such revised regulations if such changes or amendments provide for existing communications towers and/or antennas to be brought into compliance.

#### **F Inspections and licenses.**

1. Communications towers shall be inspected every five years on behalf of the communications tower owner by a licensed professional engineer for structural integrity and continued compliance with these regulations. A copy of such inspection report, including findings and conclusions, shall be submitted to the Town Clerk with the application for a license during the month of December every five years. This requirement shall be considered a condition to any specific use permit, variance or any other permit or license required by this chapter.

2. Operators shall obtain Town licenses for each communications tower and/or antenna operated pursuant to this chapter no later than January 31 of the sixth year from the year in which the communications tower or antenna initially becomes operational, and every five years thereafter. The license fee shall be set from time to time by the Town Board.

3. The operator of any PWS facility sited within the Town of Horseheads shall submit certification every five years, signed by a New York State licensed professional engineer, verifying such facility is in compliance with all applicable federal, state and local radio frequency radiation emission standards. Such certification shall be delivered to the Town Supervisor with the application for a license during the month of December every five years. This requirement shall be considered a condition to any specific use permit, variance or other permit or license required by this chapter.

### **G Performance standards.**

1. Antenna safety. Antennas shall be subject to state and federal regulations pertaining to nonionizing radiation and other health hazards related to such facilities. The owner shall submit evidence of compliance with the FCC General Population exposure standard every five years, with the application for a license, as provided for elsewhere in this chapter. If new, more restrictive standards are adopted, the antennas shall be made to comply or the Town may restrict continued operations. The cost of verification of compliance shall be borne by the owner and operator of the communications tower.

2. Random testing. The Town of Horseheads, in its sole and reasonable discretion, reserves the right to randomly test any PWS facility at any time for FCC compliance, at the tower owner's expense.

3. Powering up. Once erected, the power output of any PWS facility or its antennas may not be increased without the prior express written consent from the Town Planning Board, and existing antennas may only be replaced with similar antennas, but in no event shall the new antennas emit higher levels of radio frequency (RF) radiations than the antennas being replaced.

4. Noncompliance. To the extent any PWS facilities and antennas are not FCC compliant as required by Subsections and C hereof, the owner of such facilities or antennas shall have thirty (30) days to cure such non-compliance and bring its facilities or antennas to code. In the event such breach has not been corrected within thirty (30) days following written notification of non-compliance from the Town to the applicant, the Planning Board and/or Zoning Board of Appeals, in its sole discretion, reserves the right to (a) suspend or revoke any permits or approvals that had been previously granted for the installation of such facilities or antennas or (b) request an Immediate shut down of the respective facilities with no re-activation option unless, and until, a hearing is conducted before the appropriate local zoning authority. In the event of a permanent revocation and shut down, the removal of existing communications towers and attachments thereto shall be conducted at the owner's expense and in accordance with §204-101.M hereof.

5. Communications tower lighting. Communications towers shall be designed and sited to avoid the application of FAA lighting and painting requirements. Communications towers shall not be illuminated by artificial means and shall not display strobe lights unless the FAA or other federal or state authority for a particular communications tower specifically requires such lighting.

6. Signs and advertising on communications towers. The use of any portion of a communications tower for signs other than warning or equipment information signs is prohibited. Said signs shall not be larger than two square feet.

#### **H Screening and security of communications towers and accessory structures.**

1. Existing on site vegetation shall be preserved to the maximum extent practicable, and applicant shall be required to comply with all applicable landscaping requirements for the district in which the proposed PWS facility is to be located.

2. The base of the communications tower and any accessory structures shall be landscaped and meet the required screening of the district. The equipment shed associated with the communications tower may be separated from the communications tower to maintain vegetation necessary to achieve maximum screening;

3. Communications towers and accessory structures shall be provided with Town-approved security fencing to prevent unauthorized entry. Fencing shall be at least equal to the radius of 125% of the tower height. If tower height is increased, the fencing radius shall be increased to 125% of the new tower height. If tower is in wooded area a fire break of 50' shall be maintained from fence.

4. Backup generator fuel tank shall have proper spill containment per current DEC & EPA law.

5. Access to site shall be locked. Keys shall be given to proper first responders and first responders shall be trained on proper entry procedures and hazards by the site developer.

6. Generators shall meet current noise levels as specified in current local, state and federal laws.

## **I Design of antennas, communications towers, accessory structures and site.**

1. Communications towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the FAA. Communications towers shall be a galvanized finish or painted grey above the surrounding tree line and painted grey, black or green below the surrounding tree lines.

For communications towers on structures, every antenna and communications tower shall be of neutral colors that blend with the natural features, buildings and structures

surrounding such antenna and structure; provided, however, that directional or panel

antenna and omnidirectional or whip antennas located on the exterior of a building that

will also serve as an antenna communications tower shall be of colors that match, and

cause the antenna to blend with, the exterior of the building. Accessory structures will be

designed to be architecturally compatible with principal structures on the site and adjoining sites. Applicant shall be responsible for the regular maintenance and upkeep

of all said design elements.

2. The maximum height of a communications tower is limited to 100 feet above the ground upon which the antenna is placed.

3. The use of guyed communications towers is discouraged unless a demonstrated safety issue requires them. Communications towers should be self-supporting without the use of wires, cables, beams or other means. The preferred design should utilize a

monopole configuration, unless the applicant can demonstrate through reports by a licensed professional engineer that an open framework construction is the only feasible method that will allow the provider to provide service to the area to be served and that a monopole will not allow for that service to be provided. In the event guys are allowed, all guy supports shall be sleeved and entirely fenced in to a height of 8 feet above the

finished grade. Permanent platforms or structures exclusive of antennas that serve to

increase off-site visibility are prohibited.

(a) A driveway and an appropriate parking area will be provided to ensure adequate

emergency and service access. Maximum use of existing roads, public or private, shall

be made. As an occasionally used facility, all pavements shall be grass block or porous

material, to minimize runoff and preserve natural vegetation. Location of road cut shall be approved by the planning board and will comply with the NYSDOT and Town requirements.

(b) Any future increase in tower height shall comply with FCC regulations, so long as the final height does not exceed 100 feet. The Town Planning Board shall be notified of any proposed height increase. Application review for tower height will follow the same process as for a new tower structure as defined in Article XIII, Site Plan Review Procedure.

#### **J Communications tower setbacks and visibility.**

1. communications tower's setback may be altered in the sole discretion of the Zoning Board of Appeals to allow the integration of a communications tower into an existing or proposed structure such as a church steeple, light pole, power line or similar structure.
2. Communications towers shall not be located closer than 750 feet to the nearest prohibited district. In all other cases, communications towers shall be set back from adjoining properties a distance equal to 150% the communications tower height.
3. In addition to the requirements of §204-101.I and §§204.73, 204.77 & 204.101.
  - (a) Communications towers and facilities shall avoid ridge lines where the communications tower will be 'silhouetted against the sky: and
  - (b) Communications towers and facilities shall be back-dropped by existing trees and topography.
4. It shall be demonstrated to the satisfaction of the Planning Board that the proposed facility is set back adequately to prevent damage or injury resulting from ice fall or debris resulting from the failure of a wireless telecommunications facility, or any part thereof and to avoid and minimize all other impacts upon adjoining properties, including but not limited to noise, lighting, traffic and storm water runoff.

#### **K Compliance with other agencies and governments.**

The operator of every PWS antenna shall submit to the Town of Horseheads Planning Board copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of such antenna and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

#### **L Assignment of permit**

Every permit granting approval of an antenna or communications tower shall state that any assignment or transfer of the permit or any rights thereunder may be made only upon 60 days prior written notice of such transfer or assignment to the Town. In the event of non-compliance, the Town shall in its sole discretion revoke the assignment and such assignment shall become null and void effective immediately.

## **M Removal of abandoned or unused communications towers.**

Abandoned or unused communications towers or portions of communications towers shall be removed as follows:

1. The applicant shall remove all abandoned or unused communications towers and associated facilities and subsurface features, within six months of the cessation of operations unless the Planning Board approves a time extension. If the applicant is not a landowner, a copy of the relevant portions of a signed lease which requires the applicant to remove the communications tower and associated facilities and subsurface features upon cessation of operations at the site shall be submitted at the time of application. In the event that a communications tower, associated facilities and subsurface features are not removed within six months of the cessation of operations at a site, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted property owner and/or operator. The cost incurred by the Town may be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.
2. Unused portions of communications towers above a manufactured connection shall be removed within six months of the time of antenna relocation. The replacement of portions of a communication tower previously removed requires the issuance of a new specific use permit.

## **N Exemptions.**

The Town of Horseheads shall be exempt from this chapter, as shall any ambulance, emergency services, police or fire protection agencies.

## **O Fees.**

1. An applicant for licenses, permits, site plan approval and specific use permit for a PWS facility shall submit an application fee that is established from time to time by resolution of the Town Board together with technical review fees for the costs of reviewing such applications.
2. The Town may retain technical consultants, at the expense of the applicant, as it deems necessary to provide assistance in the review of the site location alternatives analysis. These additional costs shall be limited to the consultant's review of the site location alternatives analysis, its report to the Planning Board, Zoning Board of Appeals and license application reviews.

## Article II. Terminology

### § 204-3. Word usage.

Except where specifically defined, all words in this chapter shall carry their customary meanings. Words used in the present tense include the future; the singular includes the plural and the plural and singular; the word "building" includes the word "structure"; the words "occupied" or "used" include the words "arranged, designed or intended to be used"; and the word "shall" is intended to be mandatory.

### § 204-4. Definitions.

Certain words and terms used in this chapter are to be interpreted as defined in this section, as follows:

#### ACCESSORY USE

A land use activity which is subordinate and incidental to the main use permitted on the same lot.

#### BASEMENT

As defined in the Uniform Fire Prevention and Building Code of the State of New York, as amended.

[Added 12-14-1994]

#### BUILDING, ACCESSORY

A subordinate building clearly incidental to the principal building on the same lot and used for purposes customarily incidental to those of the principal building.

#### BUILDING, PRINCIPAL

A building or buildings within which is conducted the primary use of the lot on which said building is located.

#### BUILDING

Any structure where space is covered or enclosed.

#### BUILDING HEIGHT

The vertical distance from finished grade to the highest point of a flat roof or the midpoint of a pitched roof. On a hillside lot, finished grade should be considered as the average finished grade on the uphill side of a structure.

#### CABIN or COTTAGE

A building designed for seasonal occupancy and not suitable for year-round living.

#### CELLAR

As defined in the Uniform Fire Prevention and Building Code of the State of New York, as amended.

[Added 12-14-1994]

#### CO-LOCATION

The use of a Communications Tower by more than one carrier. Co-location shall include:

1. Mounting or installing an antenna facility on a pre-existing structure, and/or
2. Modifying a structure for the purpose of mounting or installing an antenna facility on that structure. Modification of a structure for purposes of co-location shall include the reasonable replacement and/or relocation of an existing structure to accommodate the addition of a new Communications

Tower on an existing structure. For purposes of Co-location, there shall be no net increase in the total number of poles.

## **COMMUNICATIONS TOWER**

A structure on which transmitting and/or receiving antennae are located. This includes but is not limited to freestanding towers, guyed towers, monopoles, and similar structures as defined below:

- 1) FREESTANDING LATTICE TOWER – Lattice tower with no external stabilizing mechanism outside of the foundation perimeter onto which antennas are affixed.
- 2) GUYED TOWER - Lattice tower supported by wire anchors.
- 3) MONOPOLE - A single pole of variable cross section onto which antennas are affixed.
- 4) WIRELESS TELECOMMUNICATIONS FACILITY, SMALL CELL OR MICRO-CELL as such term is used in the industry and described in 47 CFR § 1.1312(e)(2).

## **CLUB**

Any organization, premises or building catering exclusively to members and their guests and containing no merchandising or commercial activities except as required for the membership and purposes of such "club."

## **DWELLING**

Any building or part thereof designed and used for year-round human habitation.

## **DWELLING UNIT, MULTIFAMILY**

One or more dwellings on a single lot containing separate dwelling units for three or more families.

## **DWELLING UNIT, ONE-FAMILY**

A detached dwelling having accommodations for only one family.

## **DWELLING UNIT, TWO-FAMILY**

A detached dwelling containing two dwelling units.

## **DWELLING UNIT**

One or more rooms located within a dwelling and providing complete living accommodations for one family, including cooking and bathroom facilities and an independent entrance.

## **FAMILY**

One or more persons occupying a dwelling unit as a single, nonprofit housekeeping unit, who are living together as a bona fide stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family.

[Amended 10-4-1995 by L.L. No. 5-1995]

## **FALL ZONE**

A designated zone around a tower, pole or structure that allows for safe landing of debris, ice attached devices or the structure itself in the case of collapse.

## **FRONTAGE**

The distance between side lot lines measured at the street right-of-way line.

## **GARBAGE**

Includes animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

[Added 12-14-1994]

#### **GASOLINE SERVICE STATION**

Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel, oil and other lubricating substances and motor vehicles accessories, and the station mayor may not include facilities for lubricating, washing or otherwise servicing motor vehicles.

#### **HOME OCCUPATION**

A business, profession, occupation or trade, not including retail sales or retail store, conducted for gain entirely within the living space of a residential building, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

[Added 10-4-1995 by L.L. No. 5-1995; amended 8-13-1997J]

#### **KENNEL**

An establishment for the treatment, care, boarding or breeding of dogs or cats for a fee, or the keeping of a total of three or more dogs or cats over six months of age.

[Added 10-4-1995 by L.L. No. 5-1995]

#### **LAND DEVELOPMENT ACTIVITY**

Construction activity, including clearing, grading, excavating, soil disturbance or placement of fill, that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

[Added 9-14-2005 by Res. No. 107-2005]

#### **LIVESTOCK**

Ungulates, game birds, or poultry, including, but not limited to, chickens, turkeys, ducks, or geese. Species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in § 11-1907 of the Environmental Conservation Law. Fur-bearing animals shall not include dogs and cats unless being raised for commercial or subsistence purposes.

[Added 6-13-2012]

#### **LOT**

A parcel of land with or without buildings delineated by lot lines.

#### **LOT AREA**

An area of land the size of which is determined by the limits of the lot lines bounding said area and is usually expressed in terms of square feet or acres.

#### **LOT COVERAGE**

That portion of the lot area within the building lines of the principal buildings.

#### **LOT LINE**

The boundary line of a lot.

#### **MOBILE HOME**

A self-contained, transportable, single-family dwelling unit suitable for year-round occupancy and containing the same suitable water supply, sewage disposal and electrical systems as immobile housing.

#### **MOBILE HOME PARK**

A parcel of land under single ownership which is improved for the placement of mobile homes for nontransient use and which is offered to the public for the placement of two or more mobile homes.

**OPEN FIRE**

Any outdoor fire or smoke producing process from which any contaminants are emitted directly into the outdoor atmosphere, except outdoor grills or fireplaces for the preparation of food,  
[Added 12-14-1994]

**PARKING SPACE**

An area of at least 200 square feet being at least 10 feet in width and 20 feet in length.

**PLANNED UNIT DEVELOPMENT**

An area of at least three acres in size in one ownership designed and built as a single unit providing a street system and water and sewer facilities as necessary and used for residential or commercial or industrial purposes or some combination thereof.

**PROFESSIONAL OFFICE**

One used by a duly licensed architect, attorney, certified public accountant, dentist, optometrist, chiropractor, engineer, insurance broker or salesman, physician or surgeon, real estate broker or surveyor.  
[Added 12-14-1994]

**PWS**

Personal Wireless Service, i.e. Cellular Telephone Service

**RETAIL SALES**

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.  
[Added 8-13-1997]

**RETAIL STORE**

A commercial activity designed for and primarily characterized by the on-premises sale of goods directly to the ultimate individual or household consumer, but also including servicing, preparation, storage and wholesale business transaction related to such goods and customarily associated therewith but clearly incidental thereto. This term shall not include commercial activity which may also be similarly characterized, but which is separately identified as use a permitted within a zoning district.  
[Added 8-13-1997]

**ROADSIDE STAND**

A temporary, seasonal and movable structure, not in excess of 120 square feet in size, which is intended for use during a specified period of time.  
[Added 10-4-1995 by L.L. No. 5-1995]

**ROOMING HOUSE**

A dwelling or that part of a dwelling in which rooms are offered for hire for more than two persons.

**RUBBISH**

Includes all solid or liquid waste material, including but not limited to paper products, rags, trees, leaves, needles and branches thereof, vines, lawn and garden debris, furniture, cans, crockery, plastics, chemicals, paint, grease, sludge, oils and other petroleum products, wood, sawdust, demolition materials, tires, automobiles and other vehicle parts for junk, salvage or disposal, incinerator residue, street sweepings, dead animals or offal.  
[Added 12-14-1994]

**SIGN**

Any device, object or building facade used for the visual communication or advertisement of a place, building, product, service or name.

**STORMWATER MANAGEMENT FACILITY**

One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

[Added 9-14-2005 by Res. No. 107-2005]

**STORY**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it.

**TOURIST HOME**

See "rooming house."

**TRAVEL OR CAMPING TRAILER**

A transportable accommodation or vehicle suitable for seasonal living only.

**UNIFORM CODE**

The New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

**YARD, FRONT**

The area between the front lot line and the front line of the principal building extended to the side lines of the lot.

**YARD, REAR**

The area between the rear lot line and the rear line of the principal building extended to the side lines of the lot.

**YARD, SIDE**

The area between the side line of the principal building and a side lot line extending from the front lot line to the rear lot line.



## Chemung County Planning Board

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

(607) 737-5510

[www.chemungcountyny.gov](http://www.chemungcountyny.gov)  
[planning@co.chemung.ny.us](mailto:planning@co.chemung.ny.us)

Referral Number

For office use only

### Chemung County Planning Board – Municipal Referral Form

(Please complete all information on both pages)

Referring Municipality: ☐ City ☒ Town ☐ Village of ELMIRA

Referring Official: ERIC CRANDALL Title: CODE ENFORCEMENT OFFICER

Address: 1255 W. WATER ST ELMIRA, NY 14905

Phone Number: 607-734-3608 E-mail: CODEOFFICER@TOWNOFELMIRA.COM

Referring Board (check appropriate box): ☐ Legislative Board ☐ ZBA ☒ Planning Board

Petitioner(s): JOE WORKS Phone: 201-398-8438

Petitioner's Mailing Address: P.O. BOX 545 ELMIRA, NY 14902 E-mail: SCHOOLOFGOODWORKS@GMAIL.COM

Location of Property: 1310 W. CHURCH ST ELMIRA, NY 14905 (FORMER DOMINICAN MONASTERY)

Tax Map Parcel Number(s): 98.07-4-41

Current Zoning District: AAA

#### Proposed Action: (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Area Variance                           | <input type="checkbox"/> Subdivision Review    |
| <input type="checkbox"/> Use Variance                            | <input type="checkbox"/> Rezoning              |
| <input checked="" type="checkbox"/> Site Plan Review             | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Special/Conditional Use Permit          | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Comprehensive Plan Adoption / Amendment | <input type="checkbox"/> Moratorium            |
| <input type="checkbox"/> Other (please specify): _____           |  |

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

ESTABLISH A RELIGIOUS SCHOOL, BIBLE CAMP, AND WEEKLY CHURCH SERVICES. ACTIONS TO INCLUDE THE CREATION OF ADDITIONAL PARKING AND A DEDICATED FIRE ACCESS ROAD AT THE NORTH EAST SIDE OF THE PARCEL.

**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 (State Parkway), (Thruway), (Expressway), (Road) or (Highway); (Include (County) or (State Route) # and name of (Road): SITUATED ON STATE 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	5/28/19	3/26/19, 4/23/19, 5/28/19
Planning Board/Planning Commission	9/09/19	4/1/19, 7/1/19, 8/5/19, 9/9/19
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)

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

**Short Environmental Assessment Form**  
**Part 1 - Project Information**

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**AUG 09 2019**

Town of Elmira  
Code Enforcement

**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.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: SCHOOL OF GOOD WORKS			
Project Location (describe, and attach a location map): 1310 W. CHURCH ST AT SITE OF THE FORMER DOMINICAN MONASTERY			
Brief Description of Proposed Action: ESTABLISH A RELIGIOUS SCHOOL AND CAMP AND TO HOLD WEEKLY CHURCH SERVICES. ACTION TO INCLUDE THE CREATION OF ADDITIONAL PARKING AND A FIRE LANE AT THE EASTERLY REAR SIDE OF THE PARCEL FOR ACCESS OFF OF HENDY AVENUE.			
Name of Applicant or Sponsor: JOE WORKS		Telephone: 201-398-8438 E-Mail: SCHOOLOFGOODWORKS@GMAIL.COM	
Address: P.O. BOX 545			
City/PO: ELMIRA		State: NY	Zip Code: 14902
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: TOWN OF ELMIRA PLANNING BOARD CHEMUNG COUNTY PLANNING BOARD			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
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?			3.00 acres .25 acres 3.00 acres
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

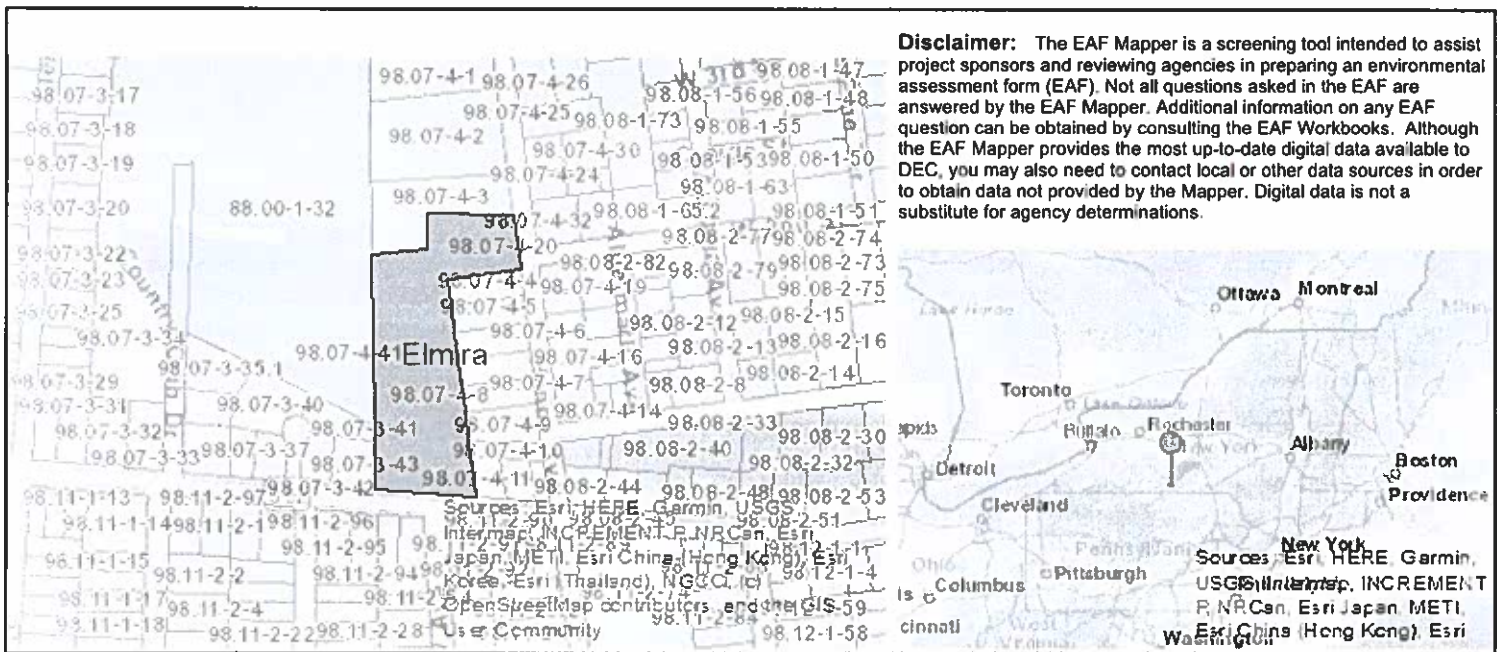
5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Green Floater	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STORM WATER FLOW FROM NEWLY CONSTRUCTED PARKING AREA TO THE PARCELS DIRECTLY SOUTH THEREOF. STORM WATER MAY BE DIRECTED TO EXISTING DRAINS LOCATED AT THE HENDY AVE ACCESS ENTRANCE.		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>School of Good Works</u> Date: <u>8/9/19</u> Signature: <u>Joseph N. Walmsley</u> Title: <u>President</u>		

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**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Green Floater
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

RECEIVED  
 2019 AUG 14  
 10:00 AM  
 1000-1000-1000

1255 W. Water Street

Elmira, New York 14905

Office of Code Enforcement: (607) 734-3608, Fax: (607) 734-4089, e-mail: [codeofficer@townofelmira.com](mailto:codeofficer@townofelmira.com)

ZONING APPLICATION

RECEIVED

Date 3-5-19

AREA VARIANCE  
USE VARIANCE



MAR 05 2019

Town of Elmira  
Code Enforcement

Tax Map number 98.07-4-41.0

Zoning District AAA

Property Owner Name The Dominican Monastery of Mary the Queen

Address 1310 W Church St Elmira, NY 14905

Contact Numbers: phone \_\_\_\_\_ cell \_\_\_\_\_ fax \_\_\_\_\_

e-mail \_\_\_\_\_

Applicant's Name School of Good Works

Address PO BOX 545 Elmira, NY 14902 120 Grandview Elmira, NY 14905

Contact Numbers: phone \_\_\_\_\_ cell 201-398-8438 fax \_\_\_\_\_

e-mail School of Good Works@gmail.com

General location of property 1310 W. Church St Elmira, NY 14905

Reason for Use or Area Variance To establish a religious school

Statement of Ownership: Deed ☒

Mortgage ☐

Land Contract ☐

Fee paid by Joseph Works

Amount \$50.00

Received by [Signature]

check# 358 Receipt# 689343

All applications shall be completely filled out and be submitted to this office fifteen days before the next scheduled Zoning Board of Appeals meeting date. Variance application shall be in accordance with section 217 of The Code of the Town of Elmira and seven sets of supporting material must be presented. The applicant, or his duly authorized representative, MUST attend the monthly meeting of the Zoning Board of Appeals AND Planning Board at which the Variance is to be considered

NO EXCEPTIONS

Planning Board meeting date: \_\_\_\_\_ 20 \_\_\_\_\_ 7:00 P.M.

Zoning Board meeting date: March 26 20 19 7:00 P.M.

Signature of Applicant or Authorized Representative

[Signature]

# Town of Elmira

1255 W. Water Street Elmira, New York 14905

Office of Code Enforcement: (607) 734-3608, Fax: (607) 734-4089, e-mail: [codeofficer@townofelmira.com](mailto:codeofficer@townofelmira.com)

**AMENDED**

ZONING APPLICATION

**RECEIVED**

**MAR 28 2019**

Town of Elmira  
Code Enforcement

Date 3/27/2019

AREA VARIANCE ☐  
USE VARIANCE ☐

Tax Map number 98.07-4-41.0

**PRIMARY USE DETERMINATION REQUEST**

Zoning District AAA

Property Owner Name THE DOMINICAN MONASTERY OF MARY THE QUEEN

Address 1310 W. CHURCH ST ELMIRA, NY 14905

Contact Numbers: phone (217) 787-0481 cell (856) 278-6939 fax \_\_\_\_\_

e-mail srannamarie@gmail.com

Applicant's Name SCHOOL OF GOOD WORKS

Address 120 GRANDVIEW AVE ELMIRA, NY 14905 PO BOX 545 ELMIRA, NY 14902

Contact Numbers: phone \_\_\_\_\_ cell 201-398-8438 fax \_\_\_\_\_

e-mail schoolofgoodworks@gmail.com

General location of property 1310 W. CHURCH ST ELMIRA, NY 14905

Reason for Use or Area Variance AMENDED TO CHANGE PRIMARY USE FROM "RELIGIOUS SCHOOL" TO "CHURCH" WHICH IS PERMITTED UNDER §217-20 USE REGULATION TABLE PENDING SITE PLAN APPROVAL BY THE PLANNING BOARD, AS DISCUSSED BY THE ZBA AT THE MARCH 26, 2019 MEETING.

Statement of Ownership: Deed ☐

Mortgage ☐

Land Contract ☐

Fee paid by JOSEPH WORKS

Amount \$ \$50.00

Received by ERIC CRANDALL

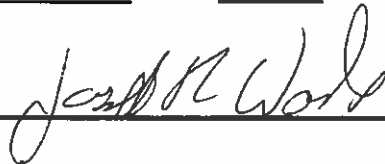
All applications shall be completely filled out and be submitted to this office fifteen days before the next scheduled Zoning Board of Appeals meeting date. Variance application shall be in accordance with section 217 of The Code of the Town of Elmira and seven sets of supporting material must be presented. The applicant, or his duly authorized representative, MUST attend the monthly meeting of the Zoning Board of Appeals AND Planning Board at which the Variance is to be considered

**NO EXCEPTIONS**

Planning Board meeting date: APRIL 1 2019 7:00 P.M.

Zoning Board meeting date: MARCH 26 2019 7:00 P.M.

Signature of Applicant or Authorized Representative



## USE VARIANCE APPLICATION, CODE OFFICER NARRATIVE

Parcel No: **98.07-4-41.0**  
Parcel Zoned: **AAA**  
Parcel Owner: **DOMINICAN MONASTERY OF MARY THE QUEEN**  
Applicant: **SCHOOL OF GOOD WORKS**  
Narrative date: **March 15, 2019**

### Reason for Use Variance request:

The applicant **SCHOOL OF GOOD WORKS (SOGW)** desires to purchase the property at 1310 W Church St. from the Dominican Monastery of Mary the Queen to establish a religious retreat within the dwellings on the property.

The applicant offered a Site Plan to the Planning Board for its approval. I rejected the Site Plan Application for the following reasons:

1. The previous non-conforming use of that parcel in the AAA zoning district ceased three years ago. Section 217-97 B of The Code of The Town of Elmira provides that "When a nonconforming use has been discontinued for a period of one year, it shall not thereafter be reestablished and the future use shall be in conformity with the provisions of this chapter."
2. The Use Regulation Table found in section 217-20 of the Code has no classification for "Religious Retreat."

The Site Plan has been re-directed to the Zoning Board of Appeals as an application for a variance to section 217-20 allowing the use of the property for the stated purpose.



Eric Crandall  
Code Enforcement Officer

# BUSINESS PLAN

for

SCHOOL OF GOOD WORKS

Operating at

1310 West Church Street  
Elmira, New York 14905

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Code Enforcement

March 2019

## **BUSINESS AND OPERATIONAL PLAN**

**NAME:** School of Good Works, LLC

**FORMAT:** An Internal Revenue Service part 501c3  
Non-Profit Religious Affiliated Business

**LOCATION:** 1310 West Church Street  
Elmira New York 14905  
Town of Elmira  
Chemung County  
Tax ID 98.07-4-41  
Zoning District: AAA

**PRINCIPALS:** Joseph Works, Founder and President  
120 Grandview Avenue  
Elmira NY 14905  
201 298-8438

Donald Bunting, Vice President  
929 West End Avenue Apt 5D  
Manhattan, NY 10025  
212 729-8356

Camilla Bunting, Secretary  
929 West End Avenue Apt 5D  
Manhattan, NY 10025  
212 729-8360

John Bosworth, Treasurer  
40390 Vrooman Hill Road  
Theresa, NY 13691  
315 778-4190

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Code Enforcement

# SCHOOL OF GOOD WORKS

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## OPERATIONAL STATEMENT:

The School of Good Works (SOGW) operates to provide a quiet environment for the operation of a seasonal religious education school targeted toward youth ages 12 to 21.

The educational format is for two one-week sessions operating in the summer, and five week-end sessions through-out the year.

A maximum of 120 participants per week session would reside in the facility and some additional off-campus session participants may attend on a daily basis.

The caretakers of the facility are permanent residents. One caretaker family would reside in the residence quarters at the west end more commonly known as the old Elmira Country Club clubhouse, and the other in a two bedroom apartment located at the northeast end of the complex. The caretakers would be responsible for the upkeep of the buildings and grounds throughout the year and would pay market-rate rent to SOGW.

## HISTORY:

SOGW President Joseph Works has operated Bible classes and retreats in New York, New Jersey, and Pennsylvania for over ten years. Members of his family live in the Chemung Valley and the availability of the Dominican Monastery and its suitability to structured Bible Study, not unlike its previous use, makes this facility uniquely suited to a successful educational enterprise.

Mr. Works has united with board members Don and Camilla Bunting and John Bosworth. The Buntings have been Bible teachers for over 25 years. John Bosworth, the Treasurer, has a B.S. degree in Business Administration (Accountancy) and a M.S. degree in Cost Analysis,

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## FINANCIAL CONSIDERATIONS:

The economic model is based on an attendance fee schedule similar to this:

Two week-long events		
80 (average) attendees per week		
\$125 fee per person		
	Season Gross Income	\$ 20,000
Five weekend retreats		
Forty (average) attendees per weekend		
\$30 fee per person		
	Weekend Gross Income	\$ 6,000
Sunday and Thursday church usage		
\$450 monthly		
	Church Gross Income	\$ 5,400
Caretaker rent		
Country Club house \$1400 monthly		
2 <sup>nd</sup> Apartment \$800 monthly		
	Rent Gross Income	\$ 26,400
	Project Annual Gross Income	\$ 57,800

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CIRRICULUM:

Bible Study sessions:

Sons Of Light is a week-long retreat aimed primarily at 12-18 year old males.

Far Above Rubies is a week-long retreat aimed primarily at 12-21 year old females.

Syllabus and Topics from 2018:

Ecclesiastes, "Don't be that guy", Book of James, "Getting 'church' right", "Dating to Marriage", Study in the book of Acts, Selected Psalms, Life of Hezekiah, Lessons from 2nd Corinthians, ...

Typical Daily Schedule

7:45	Wake up
8:00-8:35	Breakfast
8:40 - 9:25	Group Study
9:30 - 10:10	Period # 1
10:20 - 11:00	Period # 2 11:10 - 11:55 Singing
12:00 -12:55	Lunch Dining Hall
1:00 - 1:40	Period # 3
1:50 - 2:30	Period # 4
2:40 - 3:20	Period # 5
3:20 - 4:50	Free Time
5:00 - 5:40	Period # 6
5:50 - 6:30	Dinner Dining Hall
6:35 - 7:00	Peer-led singing
7:00 - 7:45	Prayer Time
7:45 - 8:30	Group Study
8:30 - 9:30	Free Time (Snack Time)
9:30 - 10:30	Time in rooms

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INSTRUCTIONAL STAFF BIOGRAPHIES:

Joseph Works: Joseph has served as Director of Sons Of Light, a Bible retreat, for 10 years. He has also been a teacher and counselor for many years at other Bible retreats in New Jersey, Indiana, and Alabama. Joseph has also worked as a Missionary in Brazil, Mozambique, Portugal, and Seychelles.

Camilla Bunting: Camilla has been the director of Far Above Rubies, a young ladies' Bible retreat, for six years. She has a B.A. Degree from West Liberty State College. She has taught Adult Literacy and Language Classes at DeKalb Technical College in Atlanta, Georgia. She is currently a Wellness Coach and Staff Development Adjunct Trainer for WW (formerly WeightWatchers.) On a volunteer basis she teaches Women's Bible Studies in churches and at Women's Conferences.

Donald Bunting: Don Bunting, Vice President, completed a B.A. Degree at West Liberty State College. He has worked as a full-time evangelist, preacher and teacher since the fall of 1978. Don has been guest speaker and lecturer, written articles for publication and contributed articles to published books. He has been teaching young people in retreat and camp settings for the last 10 years.

John Bosworth: John is co-director of Sons Of Light. He has a B.S. degree in Business Administration (Accountancy) and a M.S. degree in Cost Analysis. John retired from the US Air Force after 21 years. He was Assistant Professor of Aerospace Studies in Saint Louis, MO

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# SCHOOL OF GOOD WORKS

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## SUMMARY and MISSION STATEMENT:

The goal for The School of Good Works is to instill a love of God and the study of the Bible to young men and women that hopefully will stay with them throughout their life. Also, we hope to provide a safe environment for the attendees to get to know other young men and women who share a desire to remain pure in heart, mind, and body.

Our mission is to encourage and edify young godly men to become and remain "sons of light" (John 12:36), and young godly women to become and remain Proverbs 31 women whose worth is "far above rubies" (Proverbs 31:10)

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# PLANNING BOARD PRESENTATION

for

SCHOOL OF GOOD WORKS

Operating at

1310 West Church Street  
Elmira, New York 14905

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Town of Elmira  
Code Enforcement

August 2019

# School Of Good Works

Overflow Parking  
Lot: 182' X 42' =  
20 Parking Spaces

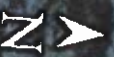
1310 W Church St

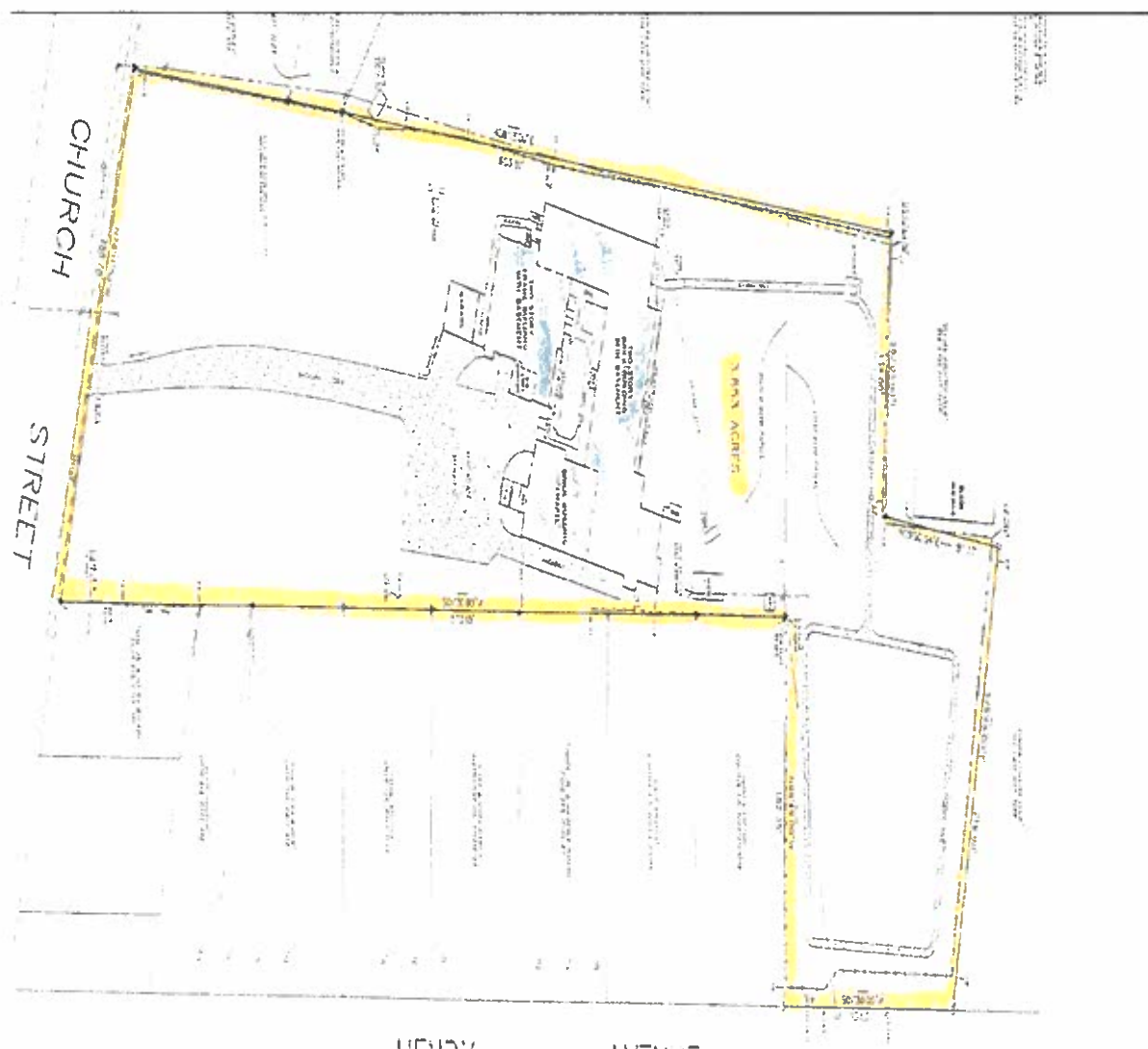
## Legend

- 1310 W Church St
- Elmira Country Club
- Monastery of Mary the Queen

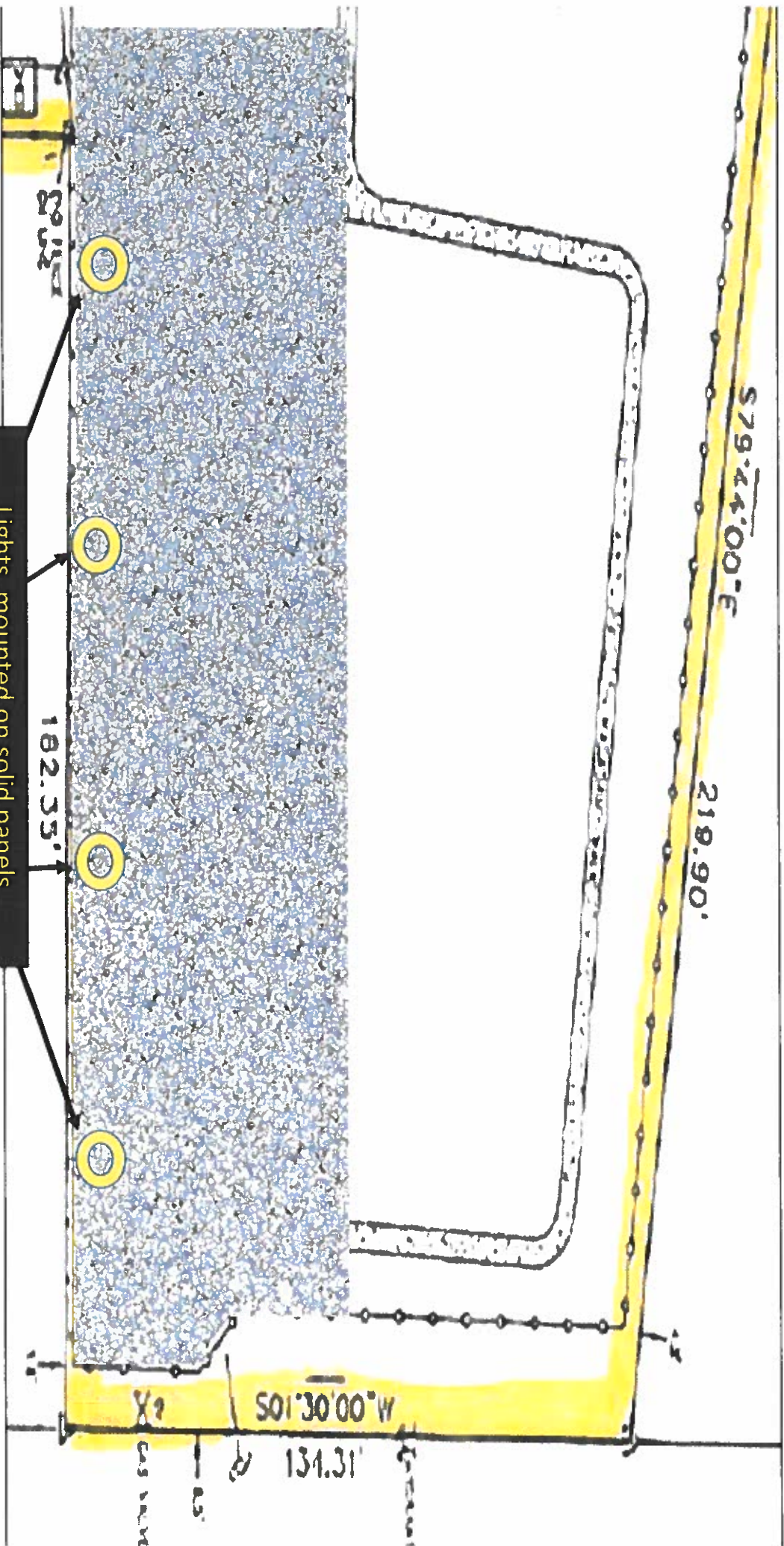
Google Earth

400 ft

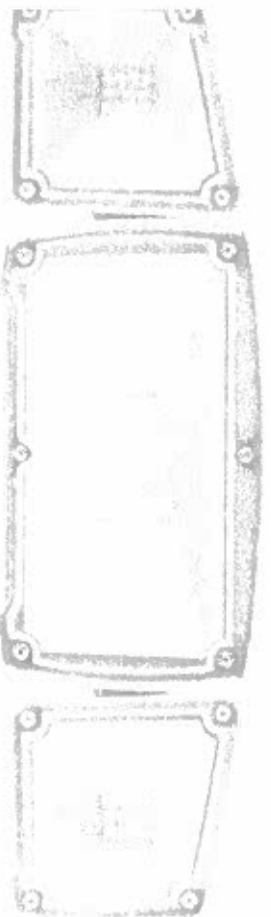




Lights, mounted on solid panels  
Also, one on chapel, house, and garage



### 3 Head LED Security Lights Motion Outdoor Sensor Light Outdoor 40W 3500 Lumens 5000k Waterproof IP65 ETL Motion Sensor Flood Light Exterior Security Light led



**【Excellent Brightness & Energy Saving】** LED units output 40W, 3500 lumens, 5000K brightness(day light white), equivalent to 200W halogen light. Also save your electricity bill by up to 88%. ETL certificated.

**【QUICK AND SIMPLE INSTALLATION】** The installation is very easy, hook up is a breeze, even for a DIY'er. This LED outdoor security light can be installed by mounting to a wall and following a few simple wiring steps.

**【BRING SAFETY TO YOUR HOME】** Our LED Security lights can turn on automatically when the motion is detected with 180 degrees swiveling angle, sensing light levels and motion up to max 49 feet. Easily adjust the light heads, lens hoods and motion sensor to different angle based on your DIY requirement.

**【IP65 WATERPROOF】** The durable and weatherproof design ensures safety for outdoor use protecting lamp from rain, sleet or snow. Perfect lighting solution for garages, workshops, industrial workstations, storage rooms, equipment rooms, etc.

**【Motion Sensor】** The motion sensor commonly work at 3 modes : 1 minute, 5 minutes, 10minutes, but it doesn't light up during the day, except for the "test ",the lights in "test " can glow during the day, but only 6s.



# PURCHASE AND SALE CONTRACT FOR REAL PROPERTY



PLAIN ENGLISH FORM APPROVED BY THE ELMIRA-CORNING REGIONAL BOARD OF REALTORS®, INC. FOR USE BY ITS MEMBERS. THIS IS A LEGAL DOCUMENT; SIGNING THIS PURCHASE OFFER GIVES RISE TO BINDING LEGAL RESPONSIBILITIES. IF NOT UNDERSTOOD, WE RECOMMEND YOU SEEK LEGAL ADVICE BEFORE SIGNING.

The Dominican Monastery  
of Mary the Queen  
SELLER(S)

Joseph Woods  
School of Good Works  
BUYER(S)

## 1. PROPERTY DESCRIPTION:

PROPERTY LEGAL ADDRESS 1310 W. Church St. STATE NY ZIP 14901 Number /  
Street / Town (No PO Boxes)  
IN ☒ TOWN, ☐ VILLAGE, ☐ CITY OF Elmira COUNTY Chemung  
Also known as TAX MAP# 98.07-4-41 DEED, LIBER \_\_\_\_\_, PAGE \_\_\_\_\_, including  
all buildings and any other improvements and all rights which SELLER has in or to the property.  
Approximate Lot Size: 3.85 Acres: 3.85 Check if Applicable: ☐ more detailed description attached.  
Description of Buildings on Property: Church building, Doorn, other

## 2. PRICE AND HOW IT WILL BE PAID: The purchase price is \$ 210,000

BUYER shall receive credit at closing for any deposit made hereunder. The balance of the purchase price shall be paid as follows:  
☒ (a) All cash, bank check, or certified check at closing. BUYER states that no financing is needed to complete this transaction.

- ☐ (b) Mortgage as stated in paragraph 4 (d).  
☐ (c) Assumption of the existing mortgage as detailed in the Addendum Page, item "A".  
☐ (d) Note and Mortgage to SELLER as detailed in the Addendum Page, item "B".

## 3. MORTGAGE EXPENSES: BUYER agrees to pay all sums required by BUYER'S lending institution, except as may be set forth herein. At closing, SELLER agrees to credit BUYER \$ 0 or \_\_\_\_\_ percent of selling price, toward BUYER'S actual closing costs (including: loan origination or discount fees, mortgage application fee, mortgage tax, deed and mortgage recording fees, mortgage title insurance premium, appraisal fee, credit report and lender's attorney's fee, pre-payables and escrow) incurred by BUYER in this transaction.

## 4. BUYER'S DEPOSIT: BUYER ☒ will deliver upon acceptance of offer ☐ has delivered at time of this offer \$ 2000 In the form of Check to Howard Hornat (Broker Office) escrow agent, who shall deposit same at MET BANK (bank). The deposit will be refunded to BUYER if this contract is not accepted. If the contract does not close for any other reason, the escrow money may be released pursuant to a written agreement to release the funds, entered into by both parties. In the event of a dispute between the parties as to the release of the deposit(s) or to whom the deposit(s) are to be paid, the escrow agent is to retain the deposit(s) until the parties enter into a written agreement, or until a Court determines the rights to the funds. In such event, either party may commence an action to determine the validity of any claims to the deposits. The parties consent to the jurisdiction of any court in the county in which the premises are located for any such action and waive rights to a jury trial in any such action. The parties agree that a judgment from a small claims court in favour of either party shall be sufficient to allow the release of escrow funds to that prevailing party. In the event that neither party commences such action within One Hundred Eighty (180) calendar days from the date the Purchase and Sale Contract is terminated by written notice to either party (written notice to be by the Buyer and for their attorney or the Seller and/or their attorney), the funds shall be released by the escrow agent to the Buyer, and the escrow agent will have no further obligation to any party with respect to the deposit(s). The escrow agent will not be liable for any amount greater than the actual amount of said deposit to any party in the event that disbursement is not made at the time or is delayed for any reason. Notwithstanding the foregoing, the funds shall be held for so long as an action is pending for the determination of claims to the deposit(s) and the plaintiff in said action has notified the escrow agent in writing of the commencement of said action. The release of the deposit(s) as set forth herein shall not prejudice the rights of either party to pursue any other actions or proceedings.

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Seller's Initials

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Page 1 of 5  
ECBOR Res. Purchase Offer

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5. CONTINGENCIES: BUYER makes this offer subject to the following contingencies. With reasonable notice, SELLER agrees to allow BUYER and /or their agents or employees access to the property for the purpose of satisfying these contingencies.

☐ (a) MORTGAGE CONTINGENCY: (Also see Paragraph 3) This offer is subject to BUYER(s) obtaining a mortgage loan in an amount not to exceed \$ \_\_\_\_\_ at \_\_\_\_\_ % of the selling price. BUYER shall make good faith application for this mortgage. BUYER shall provide SELLER with evidence of written approval of this mortgage (or reasonably satisfactory proof of financial ability to close) by \_\_\_\_\_ (the "Mortgage Commitment Date") or SELLER may cancel this Contract at SELLER'S option by written notice as provided for herein. BUYER authorizes the Lending Institution and/or Mortgage Broker to provide a copy of written mortgage commitment with pre-closing conditions to the listing agent and the selling agent as set forth in this contract. BUYER agrees to pay the balance of the purchase price over the amount of the mortgage obtained, in cash, bank check, or certified check at closing. If, following a good faith application by BUYER, this mortgage cannot be obtained, as evidenced by a denial letter from a lender this Contract is terminated and the deposit returned to the BUYER.

☐ (b) WATER AND/OR SEPTIC INSPECTION: Seller shall furnish and pay for the following tests and inspections in the event that the property is not connected to public water lines and/or public sewer lines, the results of which shall meet local standards and be provided prior to closing. (Additional water test required by Buyer and/or Buyer's mortgage lender will be at the buyer's expense.)

☐ A water test from a qualified lab to be completed within sixty days prior to closing showing that the water has been tested for total coliform and meets the State Sanitary Code requirements.

☐ Certification from a qualified inspector showing that the septic system appears to be in proper working order by dye test prior to any pumping.

☐ A document showing proof that the septic system has been pumped within the past \_\_\_\_\_ months with documentation of visual inspection.

☐ A water flow test

☐ Other \_\_\_\_\_

☒ (c) PROPERTY INSPECTION CONTINGENCY: SELLER agrees to have all utilities in service at the time of the BUYER'S inspection. BUYER at BUYER'S expense, reserves the right to retain a New York State Licensed Home Inspector, Architect, or Engineer to make the following inspections to determine if there are any MAJOR defects: (check inspections desired)  
☒ structural ☒ electrical ☒ plumbing ☒ heating ☐ radon ☐ pest infestation ☐ lead  
☐ other (specify) \_\_\_\_\_

The term "MAJOR defects" as used herein shall mean any individual defect which will reasonably cost over \$5000 to correct. This contingency shall be deemed waived unless BUYER notifies (seller, seller's agent, seller's attorney) of a MAJOR defect and provides therewith a written estimate by a qualified or certified contractor of the cost of repairs of such MAJOR defect within 10 banking days after the acceptance and delivery of this offer. Within 10 banking days of receiving the written estimates by a qualified or certified contractor of the cost of repairs, SELLER may elect to: (1) have the MAJOR defects repaired or corrected to the Buyer's satisfaction with all work to be completed 15 days prior to closing, (2) agree to give BUYER a credit at closing in the amount of the written estimate of the cost of repairs, or (3) not repair or correct the defects, nor give a credit to BUYER at closing. In the event that SELLER will not repair or correct the defects, nor give a credit to buyer at closing, then BUYER may with written notice to SELLER, proceed to closing or declare this contract null and void with all earnest money deposit returned to the BUYER.

☐ (d) PROPERTY INSPECTION CONTINGENCY ITEM(s) IS HEREBY WAIVED: BUYER'S Initials \_\_\_\_\_

☐ (e) SALE CONTINGENCY: This offer is contingent upon BUYER securing a contract, not contingent upon another property being sold, for the sale of his/her property located at \_\_\_\_\_ no later than \_\_\_\_\_, 20\_\_\_\_. If BUYER is unable to obtain a contract for the sale of his/her property by such date, then either BUYER or SELLER may cancel this contract by written notice to the other. If SELLER receives another acceptable purchase offer, SELLER may notify BUYER in writing that SELLER wants to accept the other offer and BUYER will then have \_\_\_\_\_ banking days to remove this sale contingency by written notice to SELLER. If BUYER does not timely remove this contingency by such notice to SELLER, BUYER'S rights under this contract shall end and SELLER shall be free to accept the other purchase offer.

☒ (f) OTHER CONTINGENCIES: \*See Addendum

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3/4/2019  
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Page 2 of 5  
ECBOR Res. Purchase Offer

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6. **OTHER ITEMS INCLUDED IN THE PURCHASE:** The following items, if any, now in or on the property and owned by the SELLER are included in this purchase and sale: All heating, plumbing, lighting fixtures, flowers, shrubs, trees, window shades, venetian blinds, curtain and traverse rods, storm windows, storm doors, screens, awnings, TV antenna, water softeners, sump pumps, window boxes, mail box, tool shed, fences, wall to wall carpeting and runners, exhaust fans, hoods, garbage disposal, electric garage door opener and remote control devices, intercom equipment, security systems, smoke detectors, carbon monoxide detectors, all fireplace screens and enclosures, swimming pool and all related equipment and accessories, all built-in cabinets and mirrors, and built-in items such as stoves, ovens, dishwashers, trash compactors, shelving, and air conditioning (except window) units. Other items to be included in the sale are:

Buildings & Land

SELLER has good title to all of the above items.

All items included in the purchase are to be in working order at time of closing EXCEPT:

Items NOT included are:

7. **CLOSING DATE:** The transfer of title to the BUYER shall take place on or about May 31st, 2019 at the office of the BUYER'S attorney or at such place as shall be mutually agreed upon by BUYER and SELLER.

8. **BUYER'S POSSESSION OF PROPERTY:** BUYER shall have possession of the property at closing. At time of possession, the premises shall be in broom clean condition, vacant, with the exception of agreed upon tenants, free of debris and personal property not included in the sale. At closing, SELLER shall deliver to BUYER all garage door openers, keys for the premises, and provide security codes for any security systems. Until closing, SELLER shall perform ordinary lawn and landscape maintenance and snow removal.

9. **TITLE DOCUMENTS:** SELLER shall provide the following documents in connection with the sale:

- (a) **DEED:** SELLER will deliver to BUYER at closing a properly signed and notarized Warranty Deed with lien covenant (or Executor's Deed, Administrator's Deed or Trustee's Deed, if SELLER holds title as such).
- (b) **ABSTRACT AND TAX SEARCHES:** SELLER will furnish and pay for and deliver to BUYER or BUYER'S attorney at least 10 days prior to the date of closing, abstract of title, tax and title searches, dated or redated reasonably close to the closing date.
- (c) **SURVEY MAP:** SELLER will furnish, pay for and deliver to BUYER or BUYER'S attorney at least 10 days prior to closing, an instrument survey map dated or redated after the date of this contract. BUYER will accept the existing survey of the property if acceptable to the lender and if accompanied by the SELLER'S affidavit of no change.
- (d) **CERTIFICATE OF OCCUPANCY:** If required by the municipality.

10. **MARKETABILITY OF TITLE:** The deed and other documents delivered by SELLER to BUYER shall be sufficient to convey good marketable title in fee simple to the property free and clear of all liens and encumbrances except as set forth herein. However, BUYER agrees to accept title to the property ☒ including, ☐ Not including mineral and gas rights, ☒ as agreed to in attached addendum, and subject to restrictive covenants of record common to the tract or subdivision of which the property is a part, provided these restrictions have not been violated, or if they have been violated, that the time for anyone to complain of the violations has expired. BUYER also agrees to accept title to the property subject to public utility easements as long as those easements do not interfere with any buildings now on the property or with any improvements BUYER may construct in compliance with all present restrictive covenants of record and zoning and building codes applicable to the property. SELLER shall furnish an affidavit of title.

11. **OBJECTIONS TO TITLE:** If BUYER raises and delivers to SELLER a valid written objection to SELLER'S title that the title to the property is unmarketable, SELLER shall have five business days to notify BUYER that SELLER will either cure the objection prior to closing or that SELLER is unable or unwilling to cure said objection. In the event SELLER notifies BUYER that SELLER is unable or unwilling to cure said objection, BUYER shall have five days to cancel this agreement upon notice to SELLER and this agreement shall thereupon be deemed canceled, null and void, and all deposits made hereunder shall be returned to BUYER. In the event that BUYER fails to notify SELLER within five business days of receipt of SELLER'S notice that he/she will not cure, BUYER shall be deemed to have waived his/her right to cancel this agreement as a result of said objection to SELLER'S title.

12. **RECORDING COSTS, MORTGAGE TAX, TRANSFER TAX AND CLOSING ADJUSTMENTS:** SELLER will pay the real property transfer tax, the filing charge for the Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate and Certification and special additional mortgage recording tax, if applicable. BUYER will pay mortgage assumption charges, if any, and will pay for recording the deed and the mortgage, and for mortgage tax, and for equalization and assessment filing fees. Rent payments, if any, all heating and general use fuels, if any, water charges, sewer charges, mortgage interest, deferred FHA insurance premium,

\* [Signature]  
Seller's Initials

3/4/2019  
Date

Page 3 of 8  
ECBOR Res. Purchase Offer

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current common charges or assessments, if any, and current taxes computed on a fiscal year basis, excluding any delinquent items, interest and penalties, and excluding embellishments and service charges in city tax bills will be prorated and adjusted between SELLER and BUYER as of the date of closing. Tax proration shall be based on the fiscal year of each taxing unit.

13. **RISK OF LOSS:** Risk of loss or damage to the property by fire or other casualty until transfer of title shall be assumed by SELLER. If damage to the property by fire or such other casualty occurs prior to transfer, and if BUYER does not cancel but elects to close, then SELLER shall transfer to BUYER, any insurance proceeds, or SELLER'S claim to insurance proceeds payable for such damage.

14. **CONDITION OF PROPERTY:** BUYER has inspected the property included in this sale and is thoroughly acquainted with its condition. BUYER agrees to purchase the property "as is" and in its present condition subject to reasonable use, wear, tear, and natural deterioration between now and the time of closing. SELLER shall have the utilities in service at the time of mortgage lender's appraisal-inspection. BUYER shall have the right to inspect the property within 48 hours of the date of closing with all utilities in service. If BUYER fails to notify SELLER or SELLER'S attorney in writing of any unsatisfactory condition prior to closing, any objections by BUYER shall be deemed waived.

15. **SERVICES:** SELLER represents that the property is serviced by: ☒ Public Water, ☐ Lake Water, ☐ Spring, ☐ Private Well, ☒ Public Sewer, ☐ Private Sewage/Septic System, ☐ Buried Petroleum Storage Tank(s).

16. **BROKERAGE AND REAL ESTATE COMMISSION:** The parties agree that Howard Hanna selling Broker brought about this sale and is a ☒ Buyer's Agent ☐ Seller's Agent, ☐ Dual Agent ☐ Broker's Agent working for the ☐ Buyer ☐ Seller, and SELLER agrees to pay the Broker's Commission as agreed to in the listing agreement unless other fully written and disclosed arrangements for payment of the Selling Broker's Brokerage Commission are made for by the BUYER. SELLER may apply any deposit made by the BUYER and held by Broker(s) to SELLER'S obligation to pay the entire commission.

17. **RESPONSIBILITY OF PERSONS UNDER THIS CONTRACT:** If more than one person signs this contract as BUYER, each person and any party who takes over that person's legal position will be responsible for keeping the promises made by BUYER in this contract. If more than one person signs this contract as SELLER, each person or any party who takes over that person's legal position, will be fully responsible for keeping the promises made by SELLER.

18. **ENTIRE CONTRACT:** This contract when signed by both BUYER and SELLER will be the record of the complete agreement between BUYER and SELLER concerning the purchase and sale of the property. No verbal agreements or promises will be binding on either BUYER or SELLER unless they are put in writing, and signed by both BUYER and SELLER. By signing this offer SELLER agrees to sell and BUYER agrees to buy the property described in this Purchase and Sale Contract.

19. **NO ASSIGNMENT:** This Contract may not be assigned by BUYER without the prior written consent of the SELLER to each instance and any purported assignment(s) made without such consent shall be void.

20. **LIFE OF OFFER:** This offer shall expire on March 5<sup>th</sup>, 2019 at 5:00 ☐ am ☒ pm.

21. **ADDENDA:** The following Addenda are incorporated into this contract as indicated; if applicable, copy(s) must be attached:

- ☐ FHA ADDENDUM: Amendatory Clause/Real Estate Certification/Condition of Property  
☐ FHA INSPECTION DISCLOSURE: "For Your Protection, Get a Home Inspection"  
☐ FHA or VA REQUIREMENT CONTINGENCY: Addendum Page, Item "C"  
☐ PROPERTY IS A MULTI-FAMILY DWELLING: Addendum Page, Item "D"  
☐ SELLERS DISCLOSURE TO BUYER (Electric Availability/Utility Surcharge/Agricultural District/Uncapped Gas Well)  
☐ LEAD BASED PAINT DISCLOSURE: (If the Residential dwelling was constructed prior to 1978, BUYER and SELLER must complete, sign and attach a fully executed Disclosure to this contract.)  
☐ 1031 TAX FREE EXCHANGE: This is a 1031 Tax Free Exchange  
☒ OIL/GAS/MINERAL/TIMBER RIGHTS ADDENDUM  
☐ OTHER \_\_\_\_\_

22. **SELLER'S PROPERTY CONDITION DISCLOSURE:** Purchaser(s) of residential real property are entitled by NYS law to receive from seller a signed Property Condition Disclosure Statement as prescribed by Real Property Law 482(2), prior to signing a binding contract. In the event that SELLER fails to deliver said Statement, BUYER is entitled to receive a credit of \$ 500.00 against the purchase price upon transfer title. (See section 483 of the Real Property Law for exempted properties) BUYER acknowledges that (s)he ☐ has, ☒ has not, received a Seller's Property Condition Disclosure Statement prior to this purchase and sale contract becoming a binding contract of sale. JBW (BUYER'S initials) Comment Property

23. **OIL/GAS/MINERAL/TIMBER RIGHTS DISCLOSURE:** BUYER acknowledges that (s)he has received an Oil/Gas/Mineral/Timber Rights DISCLOSURE prior to this purchase and sale contract becoming a binding contract of sale. A copy of DISCLOSURE is attached. \_\_\_\_\_ (BUYER'S initials)

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Signature

3/4/2019  
Date

Page 4 of 5  
ECBOR Res. Purchase Offer

JBW 2/7/19  
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24. NOTICES: All notices pursuant to this agreement shall be in writing, delivered by either (1) certified or registered mail, return receipt requested, post marked no later than the required date; (2) by telecopier or facsimile transmission by such date; (3) by personal delivery by such date; or (4) by email with delivery by such date.

25. BUYER and SELLER ATTORNEY APPROVAL:

This offer is contingent upon approval by BUYER'S and SELLER'S attorney as to all matters without limitation. Unless Attorney's written disapproval is received by the parties' respective attorneys, with notification to the BUYER'S and SELLER'S Brokers, within 10 banking days after the acceptance of this offer, this contingency shall be deemed to have been satisfied.

SIGNATURE(S) OF BUYER(S):

DATED: 2/21/19

WITNESS: [Signature]

ACCEPTANCE OF OFFER BY SELLER(S):

SELLER certifies that he/she owns the property and has the power to sell the property. SELLER accepts the offer and agrees to sell on the terms and conditions set forth above.

DATED: 3/4/2019

WITNESS: \_\_\_\_\_

Listing Broker: Ryanne Brokerage

R.E. License Number(s): 30MA0862846

Address: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Listing Agent: Mike Manzani & Ron Parashian

R.E. License Number(s): \_\_\_\_\_

Email address: \_\_\_\_\_

Phone: 607-738-8458

**SIGN  
HERE**

BUYER: [Signature]

SELLER: The Dominican Monastery of Mary The Queen

SELLER: Sister Maria Marie Pierre/Priora

Selling Broker: Howard Hanna

R.E. License Number(s): \_\_\_\_\_

Address: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: 607-733-2700

Fax: \_\_\_\_\_

Selling Agent: Keith Gustin

R.E. License Number(s): \_\_\_\_\_

Email address: Keith Gustin @ Howardhanna.com

Phone: 607-739-7899

ADMINISTRATIVE INFORMATION

Property Mailing Address: \_\_\_\_\_

Zip: \_\_\_\_\_

MLS #: \_\_\_\_\_

Seller: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email address: \_\_\_\_\_

Buyer: School of Good Works

Mailing Address: PO BOX 545

City/State: Elmira, NY

Zip: 14902

Phone: 201-398-8438

Email address: School of Good Works @ gmail.com

Attorney: John Mc Gowan

Address: \_\_\_\_\_

City/State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

Attorney: John Maloney

Address: \_\_\_\_\_

City/State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: 607-734-0990

Fax: \_\_\_\_\_

Email address: \_\_\_\_\_

[Signature]  
Seller's Initials

3/4/2019  
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Page 5 of 6  
ECBOR Res. Purchase Offer

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Buyer's Initials Date

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# ADDENDUM TO PURCHASE & SALE AGREEMENT REGARDING OIL, GAS, MINERAL AND TIMBER RIGHTS

The owner of real property has a variety of rights that can convey with property when the property is sold to another. These rights include surface rights (the right to build or plant crops upon the ground) and certain subsurface rights (the right to extract materials from below the ground). Among the various subsurface rights, are the rights to explore for, and remove, oil, gas and various minerals such as coal, sand and gravel.

Surface and subsurface rights are often transferred together; however these rights can transfer separately. Despite the best intention of Sellers, property owners are often not aware of the extent of the oil, gas and mineral rights they may or may not own. Determining who owns the various rights to oil, gas and minerals can be complex and should only be done by an attorney and/or title company with expertise in this area. Buyers of real property are strongly encouraged to have their rights to oil, gas and minerals examined before moving forward with a purchase and sale agreement.

Property Address 1310 W. Church Street.  
 Seller Dominican Monastery of Mary the Queen (Print/Type) Buyer Joe Woods (Print/Type)  
Mary the Queen School of Good Works

## Oil, Gas, Mineral and Timber Rights to Property:

- ☐ Some oil, gas, mineral and/or timber rights have been leased by the Seller or previous owner. Seller has attached copies of all written oil, gas, mineral and/or timber rights leases and other documents (e.g. leases, royalty agreements) within the Seller's possession to this addendum. Buyer shall have \_\_\_\_\_ days from the execution date of the purchase and sale contract to examine the extent and manner by which these rights are affected. If the examination and assessment performed by, or on behalf of, the Buyer reveals Seller's inability to convey said lease to the Buyer, along with full title to oil, gas, mineral and timber rights to the Buyer, the Buyer may terminate this purchase and sale agreement. Upon termination, all deposit monies will be returned to the buyer. \_\_\_\_\_ Seller Initial(s) \_\_\_\_\_ Buyer Initial(s)

## Seller Reservation of Oil, Gas, Mineral and Timber Rights: (Initial all that apply.)

- ☐ Seller is reserving all rights to oil, gas, and/or mineral rights and will not convey these rights to the Buyer. Buyer agrees to accept seller's reservation of these rights. \_\_\_\_\_ Seller Initial(s) \_\_\_\_\_ Buyer Initial(s)
- ☐ Seller is reserving certain oil, gas, and mineral rights and will convey these rights to the Buyer as follows:

Buyer agrees to accept seller's above described reservation(s). \_\_\_\_\_ Seller Initial(s) \_\_\_\_\_ Buyer Initial(s)

- ☐ Seller is reserving rights to timber as follows:

Buyer agrees to accept seller's above described reservation(s). \_\_\_\_\_ Seller Initial(s) \_\_\_\_\_ Buyer Initial(s)

- ☒ Seller and Buyer agree to the following:

All surface & Sub-surface rights convey @ closing!  
 \_\_\_\_\_ Seller Initial(s) \_\_\_\_\_ Buyer Initial(s)

All other terms and conditions of the Agreement of Sale remain unchanged and in full force and effect.

This addendum, when executed, is contingent upon approval of BUYER'S and SELLER'S attorneys per Item #26 of the Purchase & Sale Contract for Real Property, or Item #24 of the Purchase & Sale Contract for Lots and Vacant Land.

Seller: The Dominican Monastery of Mary the Queen Buyer: School of Good Works  
Dr. Anna Maria Pione Joe Woods  
 Dated: 3/4/2019 Dated: 10/18/18

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ADDENDUM TO PURCHASE OFFER

In regards to the Purchase & Sale Contract between School of Good Works, a New Jersey non-profit corporation, the Buyer, and Dominican Monastery of Mary the Queen, the Seller, for the real property commonly known as 1310 W Church St, Elmira, New York, the undersigned Buyer and Seller agree that their respective obligations under the Purchase and Sale Contract are contingent on the following:

- Seller obtaining court approval pursuant to the New York, authorizing the sale of the property within 90 days after all of Buyer's contingencies have been satisfied.
- All municipal approvals of buyers intended project; 60 days after the date of this agreement.
- Seller will provide and Buyer will accept the existing survey map of the premises dated May 7, 2014.
- Buyer shall confirm with the Town of Elmira Tax Assessor that property shall remain on the exempt roll. **PROPERTY IS NOT TAX EXEMPT AT THIS TIME**
- If any contingencies are not satisfied or waived by the applicable completion date, either party may terminate the agreement on written notice to the other.

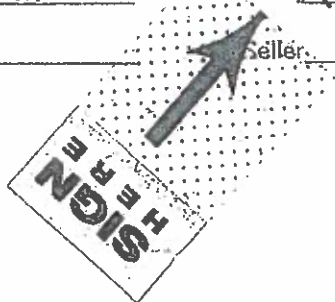
All other terms remain the same as per the contract.

This addendum, upon its execution by both parties, is herewith made an integral part of the aforementioned Purchase & Sale Contract.

This addendum is contingent upon the Attorney's Approval within five banking days from its execution by both parties.

Dated 2/27/19  
 Buyer School of Good Works  
 Buyer \_\_\_\_\_

Dated 3/4/2019  
 Seller \* The Dominican Monastery of Mary the Queen  
 Seller M. Anna Maria Perre



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**Town of Elmira**  
**New York**  
**ZONING BOARD OF APPEALS**  
**MINUTES**

**Meeting March 26, 2019 7:00 pm EDT**

**PRESENT:**           Members:     Joe Sullivan  
  Peter Fennell  
  Peter Peterson  
  Albert Lucarelli  
  Lori Welliver

**ALSO PRESENT:**                     Scott M. Moore, Town Attorney  
   Eric Crandall, Code Enforcement Officer  
   Chip LeValley, Recording Secretary

Mr. LeValley opens the meeting at 7:00 pm and pursuant to roll call all members are present. He remarked that as the first meeting of the Zoning Board of Appeals in 2019, the articles of organization must be conducted and accordingly a Chairman must be appointed. He asks members who may want the position and the unanimous response was Joe Sullivan.

**MOTION** by Peter Peterson to appoint Joe Sullivan as **Chairman**  
   of the ZBA for the year 2019.  
   Second by Al Lucarelli.  
   Ayes: Fennell, Peterson, Welliver, Lucarelli and Sullivan  
   Nays: none

Mr. Sullivan resumes the duties of Chairman and then asks the secretary to complete the articles of organization. The secretary asks for a nomination for Vice Chairman.

**MOTION** by Joe Sullivan to appoint Lori Welliver as **Vice Chairman** of  
   the ZBA for the year 2019.  
   Second by Peter Peterson.  
   Ayes: Fennell, Peterson, Welliver, Lucarelli and Sullivan  
   Nays: none

The secretary asks members to ratify the meeting date and time.

**MOTION** by Pete Fennell to set the meeting date as the **fourth Tuesday**  
   in the month when there is business to be heard and that  
   the meeting time shall be **7:00 o'clock in the evening**.  
   Second by Peter Peterson.  
   Ayes: Fennell, Peterson, Welliver, Lucarelli and Sullivan  
   Nays: none

The secretary asks to confirm the Elmira Star Gazette as the publisher of record.

**MOTION** by Joe Sullivan to make the **Elmira Star Gazette** the publisher of communications from the ZBA.

Second by Pete Fennell.

Ayes: Fennell, Peterson, Welliver, Lucarelli and Sullivan

Nays: none

Having completed the articles of organization Mr. Sullivan then asks the members if they had any corrections to the minutes of the ZBA meeting of June 26, 2018, and if no corrections, a motion to approve.

**MOTION** by Peter Fennell to approve the minutes of the June 26, 2018 ZBA meeting.

Second by Albert Lucarelli

Ayes: Fennell, Peterson, Welliver, Lucarelli and Sullivan

Nays: none

**AGENDA ITEM – School Of Good Works Use Variance Application**

Chairman Sullivan introduces the School of Good Works (SoGW) Variance Application but mentions that prior to any discussion on the application board member Lori Welliver has indicated that she will recuse herself from this matter as she is employed by the law firm that has Joseph Works, the representative for the SoGW, as a client. Town attorney Scott Moore points out that since there are no other agenda items before the board Mrs. Welliver could be excused from the meeting. Chairman Sullivan agrees and excuses Lori Welliver from the meeting at 7:06 pm. Lori Welliver thanks Mr. Sullivan and the board members and departs the building.

Chairman Sullivan then recognizes Joe Works and asks him to inform the board the reason the SoGW desires a Use Variance.

Joe Works mentions his background as a bible study leader and for the past ten years has been conducting study retreats, or “schools” as they are referred to, in locations around the northeast and in particular at a facility in the Poconos of eastern Pennsylvania. This facility is a campground and the SoGW rents the facility at the end of summer to use the buildings for several weeks after it closes for the season.

Joe Works became aware of the Dominican Monastery property at 1310 W. Church Street and after seeing the facility concluded that it would be ideal for the educational programs the SoGW conducts throughout the year. He explains that because of its size both he and another associate, along with their families, would become permanent residents and care-takers for the building and property.

Joe Works references the business plan he submitted which contains the proposed usage of the facility throughout the year. It includes two, week long teaching events in the summer, and throughout the year five weekend retreats, and Sunday and Thursday church usage by a local religious group.

General discussion follows with Al Lucarelli asking the age of the bible study school attendees. Joe Works responds that they are 12 to 18 years old and the classes are not co-ed. Peter Peterson asks where the students come from and Joe Works says that they have come from 12 different states but that most come from central and eastern Pennsylvania as well as from New York City. They learn of the school by word-of-mouth. Peter Peterson asks how they would arrive here and Joe says that car-pooling with adults is most often the way students travel but that some also airline to the school.

Al Lucarelli mentions that the previous use had about twenty occupants and wonders what the SoGW occupancy would be to which Joe Works replies that there are 38 rooms and/or areas that could accommodate cots for sleeping, subject to fire code. Peter Peterson asks the Code Enforcement Officer what modifications will be necessary for occupancy by SoGW and Mr. Crandall replies that a fire detection and alarm system will be required as well as certain other life-safety improvements consistent with the particular uses by the school/church. Pete Fennell asks if any professional inspectors or engineers have looked at the structure and Joe Works replies that Wahl Inspection Service, Wozniak Engineering PLLC, Fire Alarm Service Technology, and Hale Roofing Co. have all inspected the building. Pete Fennell asks how the SoGW will afford the modifications necessary and the continuing upkeep in the years to come to which Joe Works responds that it is nearly all the result of all volunteer help. He states that he has no shortage of volunteers and is thankful that he never has had, so he feels confident that all repairs will be accomplished. Utility costs would be paid from the rental income as detailed in the Business Plan.

Joe Works continues that the SoGW is an IRS non-profit designated organization with an exemption status under IRC section 501(c)(3) and has a CPA and para-legal in the organization that insures conformity with the applicable regulations.

Joe Works states that he is in discussion with the town assessor in hopes of designating the property as tax-exempt. Peter Peterson mentions his concern that the apparent expenses are more than the income shown in the business plan.

Chairman Sullivan remarks that it is not the ZBA's function to audit the financial statements of the organization but rather that its duty to the taxpayers of the town is to be assured that the use is sustainable for the foreseeable future.

Joe Works explains that the SoGW retreats have for the past ten years met for two weeks at a campground called Spruce Lake in Canadensis PA and that Spruce rents to the SoGW for \$6,000 per week. Joe Works says that money would instead go to the monastery operation and he also remarks that, in the interest of transparency, the additional SoGW funding mechanism is that both he and the school are accepting donations for the property purchase and necessary modifications to make the monastery building able to be occupied. Mr. Works says that in addition, an individual donor interested in the establishment of the school has agreed to make up any shortfall.

Chairman Sullivan then asks Mr. Works about the usage of the property since the application states Religious Retreat for only several weeks in the summer but that he also states that the building will be used for a church function twice per week by Twin Tiers Christians who presently meet in the Mark Twain Hotel building in downtown Elmira. Joe Works confirms that there will be a continuing, rent paying year around use by the

church. Chairman Sullivan then asks Mr. Moore about the accuracy of the variance application.

After discussion about the differences in the need for a Use Variance for use as a Religious Retreat and no need for a variance if the primary use is for a Church, which is an approved use of a parcel in a triple A zoned district, Mr. Moore explains that the ZBA must make the determination of which use is the primary use.

Mr. Moore continues the explanation that a use variance requires that the applicant must be prepared to address each of the four "tests" for approval and that SoGW may wish to retain council to assist in the preparation of the financial support documents for the "test" questions.

A discussion of the timing of the various meetings and public hearings concludes with Chairman Sullivan recommending that the ZBA meet on April 23, 2019 to review an amended application by the SoGW that would include additional information allowing the ZBA to make a determination of the primary use of the property. Chairman Sullivan then asks for a motion to make the required referrals on this matter.

**MOTION** by Peter Peterson to refer the application for a Use Variance by School of Good Works to the town Planning Board on April 1, 2019

Second by Albert Lucarelli.

Ayes: Fennell, Peterson, Lucarelli and Sullivan

Nays: none

**MOTION** by Albert Lucarelli to refer the application for a Use Variance by School of Good Works to the county Planning Board on April 25,, 2019.

Second by Pete Fennell.

Ayes: Fennell, Peterson, Lucarelli and Sullivan

Nays: none

Chairman Sullivan asks if there is any other business to be brought before the board and hearing none asks for a motion to adjourn.

**MOTION** by Albert Lucarelli to adjourn the meeting.

Second by Peter Peterson.

Ayes: Fennell, Peterson, Lucarelli and Sullivan

Nays: none

The meeting ended at 8:30 pm EDT.

# # #

**Town of Elmira**  
**New York**  
**ZONING BOARD OF APPEALS**  
**MINUTES**

**Meeting April 23, 2019 7:00 pm EDT**

**PRESENT:**           Members:     Joe Sullivan  
  Peter Fennell  
  Peter Peterson  
  Albert Lucarelli

**ABSENT:**                                   Lori Welliver (excused)

**ALSO PRESENT:**                       Scott D. Moore, Town Attorney  
  Eric Crandall, Code Enforcement Officer  
  Chip LeValley, Recording Secretary

Chairman Sullivan opens meeting and pursuant to roll call all members are present except for member Lori Welliver. Chairman Sullivan continues by asking members present for any corrections to the minutes of the March 26, 2019 meeting. No corrections or comments were made.

**MOTION** by Peter Fennell to accept the minutes of the Zoning Board of Appeals meeting of March 26, 2019.

Second by Peter Peterson.

Ayes: Fennell, Peterson, Lucarelli and Sullivan

Nays: none

**AGENDA ITEM – Continuation of School of Good Works Variance**  
**Application Discussion**

Chairman Sullivan introduces the continuation of the School of Good Works (SoGW) Variance Application but mentions that board member Lori Welliver has recused herself from this matter as she is employed by the law firm that has Joseph Works, the representative for the SoGW, as a client and her absence is excused.

Chairman Sullivan remarks that at the end of last month's meeting it was understood that a revised application would be presented at this month's meeting for discussion. Attorney Moore then mentions that it is his understanding that the applicant has amended his application to indicate that the principal use for the property at 1310 W. Church St. by SoGW would be as a "Church" which, in accordance with the Use Regulation Table in The Code of The Town of Elmira, is a permitted use in the AAA zone district in which it resides and therefore no variance is required.

Mr. Moore continues by indicating that the town code allows only one principal use on a parcel. Additional use of the dwelling as a residence therefore would be prohibited.

Mr. Moore continues to explain that the code provides for "Accessory Uses" that may be permitted as long as the board makes a determination that a proposed use has all of the following characteristics as found in section 217-5, Definitions, for "Use-Accessory": A. Is controlled by the person exercising the principal use; B. Is incidental to and customarily associated with the principal use; C. Is located on the same lot with such principal use or building; and D. Does not have any greater impact on the environment than the principal use.

Discussion continues with the board members, the applicant Joe Works, and Attorney Moore to correctly understand the application of "Principal Use" and "Accessory Use" and how they may be applied to the stated goal of the SoGW occupancy of 1310 W. Church Street.

The conclusion of the discussion is that as the applicant has amended his application to identify the "Church" as the principal use which is permitted in the AAA zone, and that the applicant also wants to hold two, week long, bible study "camps;" weekend bible study retreats; and live on the property. The board is being asked to determine whether these three activities are accessory uses to the principal use.

Chairman Sullivan says that it is understood that the board will have to evaluate each activity using the definition of "Accessory Use" to determine whether the activity is accessory to the Church use, and that such evaluation should be after a public hearing at the next month's meeting.

**MOTION** by Albert Lucarelli for a Public Hearing on May 28, 2019 at 7:00pm. on the application by the School of Good Works for operations at 1310 W. Church Street in accordance with its presented Site Plan.

Second by Peter Peterson.

Ayes: Fennell, Peterson, Lucarelli and Sullivan

Nays: none

Chairman Sullivan asks if there is any new business to be brought before the board and Joe Works mentions that he would like to take a moment to say that he welcomes any dialogue from anyone regarding the future use of the Monastery by the School of Good Works whether in person, by phone or e-mail.

Chairman Sullivan asks if there is any other business to be brought before the board and hearing none asks for a motion to adjourn.

**MOTION** by Albert Lucarelli to adjourn the meeting.

Second by Peter Peterson.

Ayes: Fennell, Peterson, Lucarelli and Sullivan

Nays: none

The meeting ended at 8:11pm EDT.

**Town of Elmira**  
**New York**  
**ZONING BOARD OF APPEALS**  
**MINUTES**

**Meeting May 28, 2019 7:00 pm EDT**

**PRESENT:**           Members:     Joe Sullivan  
  Peter Peterson  
  Albert Lucarelli

**ABSENT:**                                   Lori Welliver (excused)  
  Peter Fennell

**ALSO PRESENT:**                       Scott D. Moore, Town Attorney  
  Eric Crandall, Code Enforcement Officer  
  Chip LeValley, Recording Secretary

Chairman Sullivan opens the meeting and pursuant to roll call members Sullivan, Peterson and Lucarelli are present, member Peter Fennell is absent and member Welliver is excused by recusal for ethical conflict.

**Agenda Item – Public Hearing for School of Good Works**

Chairman Sullivan opens the public hearing and introduces Joe Works representing the School of Good Works (SoGW) and asks Mr. Works to explain briefly his intended operation of the SoGW at the facility located at 1310 W. Church Street.

Mr. Works explains that the monastery facility meets his need for physical space to conduct the religious activities he has planned. Mr. Works continues by mentioning that there are two certified public accountants who have volunteered to audit finances as well as a lawyer who specializes in non-profit organizations, and a member of the board who is a retired Air Force finance analyst having a Masters in Cost Analysis and a Bachelor's degree in Accounting all of which he believes shows the SoGWs high degree of professionalism as it contemplates ownership of the monastery facility.

Mr. Works remarks that the SoGW will conduct, during the summer months, weekend Retreats, week long Bible Study Camps and throughout the year a church function which meets twice per week, Sundays and Thursdays.

Chairman Sullivan then invites the public in attendance to make statements if they wish, either for or against the proposed activity by the SoGW. The following persons made comments:

Mark Manning	116 Morningside Dr.	Cost to comply with code required updates.
Diane Aragon	117 Grandview Dr.	Parking, especially along Grandview Drive
Jim Siconolfi	117 Hendy Ave.	Thanks for openness and transparency plus Parking and traffic on Hendy
Joe Coletta	408 Hendy Ave.	Outdoors noise....music?
Rick Emanuel	1306 W. Church St.	Questions significance of a photo of an Iron Cross that is on the Facebook page for the SoGW
Judy Prentice	89 Westmont Ave.	Compliance with state and federal health regulations for children.

While it was understood that the comments from the public were simply comments, there were some that Mr. Works and member Albert Lucarelli responded to. Mr. Lucarelli replied to Mark Manning's comment by stating that he (Mr. Lucarelli) had spoken to several persons over the past month and one of them said that it would cost between \$75,000 to \$150,000 to get the facility New York State Building Code compliant. Mr. Lucarelli also spoke to a gentleman in Nashville TN who indicated that he was one of the financial backers of the SoGW and that he was prepared to invest up to \$200,000 to purchase the property and then up to another \$200,000 to get the facility code compliant for a total of \$400,000. Mr. Lucarelli also indicated that the investor spoke very well of Joe Works.

Mr. Works then made comment regarding the 1939 German Iron Cross photo that appears on the Facebook page for the SoGW. He said that while he was in the US Army stationed in Germany, an elderly German citizen approached him and asked that he accept the Cross as he was ashamed of having been a Nazi soldier when awarded the medal and he wanted an American soldier to accept it. Mr. Works remarks that he has kept it as reminds him of moments in his past when he was less that what he would have wanted and that he can do better.

Mr. Works also comments that he and his staff are aware of the public health requirements for both Pennsylvania and New York as they apply to campgrounds and public gathering places and he anticipates working with the Chemung County Environmental Health Department in the food preparation facilities of the monastery building. He also mentions that all staff members are required to have background checks and that only his and the caretaker's immediate family will be residing at the facility.

Chairman Sullivan asks if there are any other comments by persons attending the meeting and hearing none, closes the public hearing at 7:26 pm.

Chairman Sullivan then returns to the regular order of business by asking the members if they had any corrections or changes to the minutes of the April 23, 2019 meeting.

**MOTION** by Albert Lucarelli to accept the minutes of the April 23, 2019 meeting of the Zoning board of Appeals.

Second by Peter Peterson

Ayes: Lucarelli, Peterson, Sullivan

Nays: none

### **AGENDA ITEM – Continuation of School of Good Works Variance Application Discussion**

Chairman Sullivan asks members if they have any questions concerning the application and Albert Lucarelli asks Mr. Works how many members belong to the church and when it was established. Mr. Works says that there are 25 members and that it was formed in 2012, officially incorporated last year and has been renting space in the Mark Twain building. Albert Lucarelli makes the general statement that the current owners of the monastery have made a point to keep the grounds well maintained. Mr. Works comments that he has budgeted monies for grounds keeping and for interior maintenance but that he expects that his children may assist in the routine cleaning from time to time.

Albert Lucarelli asks who the second family is and Mr. Works says that it is William and Emma Hammitry who live in Elmira Heights and who are also members of the church congregation. Albert also asks what the maximum number of camp attendees might be and Mr. Works responds that no more than 100, including staff. Mr. Works said that there were 85 to 90 people at the camps held in Pennsylvania and he believes it will be the same here. Peter Peterson asks how many people would be staff and Mr. Works says 25 to 30, many of whom are parents of the children in the bible camp.

Chairman Sullivan asks Mr. Moore for definition of accessory uses and Mr. Moore then explains what may be different accessory uses depending on who is the controlling entity, SoGW or Twin Tier Christians, lessors of space for a church activity. He then provides examples of the difference in the controlling interest and the board contemplates the interpretation of the criteria to form an opinion. At that point Chairman Sullivan asks if a member would like to make a motion concerning the application.

**MOTION** by Peter Peterson that the Zoning Board of Appeals finds that the principal use presented by the applicant, School of Good Works, is that of a Church or Place of Worship based on their use of the property as a Bible Study/Camp and Bible Retreats, conducted by the applicant non-profit.

And it is further the opinion of the board that the lease of the premises to a church be considered as an Accessory Use because the control of the lease is by the owner of the property and would be incidental to, and customary, to have a church associated with

the principal use conducted by the owner that is located on the same lot as the principal use, and does not create a greater impact on the environment than the principal use.

As to the caretaker residential use of the property involving occupation of two separate locations on the property, it is the Board's opinion that a caretaker-in- residence on the property is an Accessory Use to the principal use in that the lease of those residential spaces is controlled by the owner of the property, it is incidental and customary to have caretakers on property for which the principal use exists, and they are located on the same lot as the principal use, and not having any greater impact on the environment than the principal use.

That being the motion of the Board thus providing the basis for the approval of the application of the School of Good Works.

Second by Albert Lucarelli  
Ayes: Lucarelli, Peterson, Sullivan  
Nays: None

Albert Lucarelli wonders what would control the SoGW from varying from the decision sometime in the future and Mr. Moore explains that the Planning Board would condition their Site Plan approval and the SoGW would be expected to stay within those limitations. Any deviation would be addressed by the town ordinances as enforced by the Code Enforcement Officer.

Chairman Sullivan asks if there is any new or old business to be brought before the board and hearing none asks for a motion to adjourn.

**MOTION** by Albert Lucarelli to adjourn the meeting.  
Second by Peter Peterson.  
Ayes: Peterson, Lucarelli and Sullivan  
Nays: none

The meeting ended at 8:10 pm EDT.

# # #

Town Clerk  
TOWN of ELMIRA  
1255 W. Water Street  
Elmira New York 14905

May 31, 2019

## A DECISION

In the matter of The School of Good Works Variance Application to the Town of Elmira Zoning Board of Appeals. at its meeting Tuesday, May 28, 2019, the Board made the following:

**A MOTION** by Peter Peterson that the Zoning Board of Appeals finds that the principal use presented by the applicant. School of Good Works, is that of a Church or Place of Worship based on their use of the property as a Bible Study/Camp and Bible Retreats. conducted by the applicant non-profit.


And it is further the opinion of the board that the lease of the premises to a church be considered as an Accessory Use because the control of the lease is by the owner of the property and would be incidental to, and customary. to have a church associated with the principal use conducted by the owner that is located on the same lot as the principal use, and does not create a greater impact on the environment than the principal use.

As to the caretaker residential use of the property involving occupation of two separate locations on the property. it is the Board's opinion that a caretaker-in- residence on the property is an Accessory Use to the principal use in that the lease of those residential spaces is controlled by the owner of the property. it is incidental and customary to have caretakers on property for which the principal use exists, and they are located on the same lot as the principal use, and not having any greater impact on the environment than the principal use.

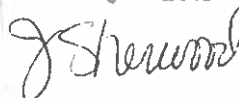
That being the motion of the Board thus providing the basis for the approval of the application of the School of Good Works.

Second by Albert Lucarelli  
Ayes: Lucarelli, Peterson, Sullivan  
Nays: None

In accordance with New York State Town Law section 267-a(2) this Decision is hereby filed this date with the Clerk of the Town of Elmira.

  
Fred B. LeValley Jr.  
Recording Secretary  
Zoning Board of Appeals, Town of Elmira

MAY 31 2019





**Town of Elmira, New York  
PLANNING BOARD**

**Meeting, April 1, 2019 – 7:00 pm EDT**

**MINUTES**

**PRESENT:** Chairman Mark Miles

Members: J. Walter Booth  
James Carozza  
Paul DiPietro  
Nick Kapnolas  
Ron McConnell

**ABSENT:** Joe Janeski

**ALSO PRESENT:** Scott Moore, Town Attorney  
Eric Crandall, Code Enforcement Officer  
Chip LeValley, Recording Secretary

Mark Miles welcomes members and guests and introduces new member James Carozza who replaces Joe Coletta. Mr. Miles then remarks that the articles of organization are required as this is the first meeting for 2019. He asks Mr. LeValley to start the proceedings.

Mr. LeValley remarks that the first item would be to elect a Chairman and asks for a nomination or motion.

**MOTION** by Nick Kapnolas to appoint Mark Miles as **Chairman** for 2019.

Second by Ron McConnell

Ayes: Miles, Carozza, DiPietro, Kapnolas, McConnell and Booth.

Nays: none

Chairman Miles then continues the organizational items by asking for a nomination for Vice Chairman.

**MOTION** by Ron McConnell to appoint Walter Booth as **Vice Chairman** for 2019.

Second by Nick Kapnolas

Ayes: Miles, Carozza, DiPietro, Kapnolas, McConnell, Booth..

Nays: none

Chairman Miles asks for a nomination for Secretary.

**MOTION** by Nick Kapnolas to appoint Paul DiPietro as **Secretary** for 2019

Second by Ron McConnell

Ayes: Miles, Carozza, DiPietro, Kapnolas, McConnell, Booth.

Nays: none

Chairman Miles asks for a motion to set the meeting time and date.

**MOTION** by Nick Kapnolas to set the meeting date as the first Monday in the month if there is business to conduct, and the meeting time as 7:00 pm local time.

Second by Ron McConnell

Ayes: Miles, Carozza, DiPietro, Kapnolas, McConnell, Booth

Nays: none

Chairman Miles asks for a motion for the publisher of the board's public notices. Ron McConnell offers the Elmira Star Gazette as the newspaper for board notices however James Carozza remarks that in his opinion the Corning Leader gets wider readership in the town. Chairman Miles appreciated the input and asks for a motion.

**MOTION** by Ron McConnell to name the Elmira Star Gazette as publisher.

Second by Paul DiPietro

Ayes: Miles, DiPietro, Kapnolas, McConnell, Booth.

Nays: Carozza

Chairman Miles then returns the meeting to the regular order of business and asks the members if there are any corrections to the minutes of the last meeting on August 6, 2018. Hearing none then asks for a motion.

**MOTION** by Paul DiPietro to approve the minutes of the August 6, 2018 meeting.

Second by Nick Kapnolas

Ayes: Miles, Carozza, DiPietro, Kapnolas, McConnell, Booth.

Nays: none

### **AGENDA ITEM – Minor Subdivision for Todd Molter**

Chairman Miles remarks that the Town Attorney recuses himself from this portion of the meeting as his law firm has a business relationship with the applicant family.

Chairman Miles recognizes Todd Molter and asks him to offer details concerning the subdivision application. Todd Molter explains that the 8.00 acres lot shown on the plat attached to the application is a portion of the acreage (42.79 acres – Nancy L. Molter, RLT) he inherited as a result of his mother's passing away. This lot is located at 423 Jerusalem Hill Road. He

desires to sell the house on that 8 acre lot but wants to retain the balance (34.79 acres) of the lot for grazing by his cattle. Todd Molter owns the lot adjacent and desires to merge it with the 34.79 acres of the subdivided lot.

Nick Kapnolas asks if Todd's house is near the house on the lot to be subdivided and Todd replies that it is; they both are on the east side of Jerusalem Hill road with Todd's house behind and up the hill from his late mother's. Walter Booth asks if there are any easements on any of the parcels involved in the subdivision or merger. Todd Molter responds that there are no easements on any lot.

Chairman Miles hearing no further questions asks the members if they feel there is enough information to be able to consider the plat provided as the Preliminary Subdivision plat and to move to a public hearing.

**MOTION** by Paul DiPietro to accept the application as complete and to set a public hearing for the subdivision of parcel having tax ID of 100.00-2-7.211, SWIS number 073089.

Second by: Ron McConnell

Ayes: Miles, Carozza, DiPietro, Kapnolas, McConnell, Booth.

Nays: None.

*(Secretary's note: The public hearing for Molter Subdivision was set for May 6, 2019 by Motion of member Ron McConnell seconded by Walter Booth. Motion was at 0:52 of the meeting, just prior to adjournment. Because of the large number of persons on the meeting room positioning for the next agenda item the setting of hearing date was inadvertently overlooked until the end of the meeting)*

### AGENDA ITEM – Zoning Board of Appeals referral of Use Variance for School of Good Works

Chairman Miles asks if all members received the packet of material supporting the School of Good Works (SoGW) referral including the letters of recommendation and then introduces Joe Works and asks him to inform the board about his plans for the use of the facility at 1310 W. Church Street also known locally as the "monastery."

Joe Works offers that he proposes to purchase the property and put it to four uses. First as a home for him and his family in the "old country club" section; second as a home for the caretaker and his family; third as a place to conduct a church function two days a week throughout the year; and fourth to provide a meeting facility for a 'camp retreat' for bible study twice in the summer and occasional weekend seminars through the year. Joe Works explains that the context of "camp" and "retreat" is to meet inside a facility to study a particular topic, similar to "science" or "math" camps elsewhere. One week would be for young women and the second, for young men.

Nick Kapnolas asks about the rent that Joe Works would pay and the annual budget indicated in the Business Plan. Joe Works confirms that the number is correct as much of the work needed is done on a volunteer basis.

Walter Booth asks if the historic gas utility costs have been investigated and Joe Works replies that the utility, NYSEG, does not keep records that far back but that the broker's representative feels it around \$600 per month.

Chairman Miles asks the name of the local church that wishes to rent space in the monastery and conduct Thursday and Sunday services and Joe Works says that it is called Twin Tiers Christians and they currently meet in the Mark Twain Building at 104 W. Gray Street in Elmira. Chairman Miles asks who the pastor is and Joe Works replies that it is operated by the members as a non-denominational group who have been meeting there for over two years.

Paul DiPietro asks Joe Works if he or any of the other SoGW principals own any other properties used for the purpose stated in the Business Plan and Joe Works responds that they do not and that their common activity, the SoGW, has always rented in the past and that they feel a more appropriate use of the rents monies would be to go to support this facility.

Chairman Miles asks if Joe Works teaches bible study anywhere else and Joe Works indicates he instructs at Florida College, Temple Terrace Florida; Indiana Bible Camp, Jasonville Indiana as well as at Spruce Lake Camp in Canadensis Pennsylvania.

Paul DiPietro asks if the students age 18 to 21 would drive themselves to the retreat and Joe Works indicates that because of the distances involved, most will car-pool to save money so the number of cars would not be many.

Ron McConnell asks how many staff would be present during the activities. Joe Works says that seven kitchen volunteers, eight teachers and twelve councilors for a total of 27, give or take one or two. Chairman Miles asks how many students have enrolled in the past and Joe Works indicates that they have had a maximum of 92 counting staff. Chairman Miles asks if that would be the most and Joe Works says that he is planning for a maximum of 120 as indicated in the Business Plan. Chairman Miles asks if there is room for that many and Joe Works says that there are 38 rooms that could be used for sleeping depending on local code enforcement modification.

Chairman Miles asks if boys and girls will be housed on the same floor or in the same rooms and Joe Works replies that each retreat camp is not co-ed so one session will all male and the other all female.

James Carozza indicated that the schedule is fairly rigorous and wonders if at the end of the day students would be allowed to leave the building or campus. Joe Works says that they would not leave the property and the program is not designed to accommodate periods of time away from study.

Paul DiPietro asks if the public is permitted to visit the facility and Joe Works says that on Thursdays and Sundays the public is welcome and invited to participate in the church services.

Walter Booth asks why the Use Variance Application was changed to reflect a “church” use.

Joe Works asks if Attorney Moore would explain the change. Mr. Moore said the in the course of Zoning Board deliberations on the various uses Mr. Works would put the building to it became apparent that the most intensive use would be the twice-per-week, fifty two weeks per year, use as a church. Use as a church is a permitted use in the AAA zone district. Therefore if the application was amended the ZBA would then deliberate whether to accept the amendment and then to determine what may be accessory uses and if those would need their own use variances. Mr. Moore concluded that in any and all cases, the Site Plan would ultimately come before the Planning Board.

Chairman Miles then speaks to the public in attendance what the flow of the SoGW Site Plan application is through the two town boards and that there will be a public hearing where the public may make comments and put questions to the board, but that the meeting we’re conducting now is simply a referral from the ZBA meeting of March 26, 2019, and the board will return the referral with comment.

Walter Booth remarks to Joe Works that it appears that he (Joe) has been all over the world and wonders what brought him and the SoGW to Elmira. Joe Works explains that he has had missionary duties to areas of need around the world and it has been from his “base” in northern New Jersey. He had conducted the summer retreats at the Spruces campground just across the NJ-PA border for the last eleven years. It was the invitation of the Twin Tiers Christians who offered him more flexibility in his evangelism if he were to move to this area and since his granddaughters live in Elmira, and the monastery revealed itself as an idea facility for the retreats as well as the church, it seemed that this was a place to be.

Paul DiPietro asks Mr. Moore about the “life” of a use variance if granted. Would the variance continue even if the new owner of the monastery were to sell and move away? Mr. Moore replies that once the use variance is granted it attaches to the property and would continue only if the next owner conducts the same activity that the first variance was granted for. If the new owner conducts a different use then that different use would require a variance. Mr. Moore also explains that if the property remains empty and unused for more than a year, the use variance granted to the first occupant expires.

Chairman Miles asks for a motion on the referral if there are no other comments or questions.

**MOTION** by Jim Carozza to return the School of Good Works variance referral to the Zoning Board of Appeals with No Comment.

Second by Paul DiPietro.

Ayes: Miles, Carozza, DiPietro, Kapnolas, McConnell, Booth.

Nays: none.

## TOWN OF ELMIRA PLANNING BOARD

Chairman Miles then states that the meeting is now open to public comment on this matter or any other that pertains to Planning Board function. He asks that commenters state their name and address. Following are those persons having a comment:

<u>Commenter</u>	<u>Address</u>	<u>Comment</u>
1. Mary Ann Mecca	133 Grandview	What Denomination affiliation
2. Cindy Manning	116 Morningside Av	Wonders about other uses
3. Beth Frigard	317 Glen Av	Safeguards
4. Steve Mecca	133 Grandview	Clarify rental or ownership
5. Mimi Petrillose	1499 W. Church St.	Facility condition
6. Mary Ann Mecca	133 Grandview	Parking adequate
7. Mary Johnson	73 Larchmont Road	Facility able to house quantity
8. Joe Coletta	408 Hendy Avenue	Co-Ed use and occupancy
9. Tim Broadwell	413 Arcadia Av.	Comments on his being a counselor
10. Rich Emmanuel	1306 W. Church St	Neighbors not vigilantes
11. Joe Works	120 Grandview	Comment addressing concerns voiced

There being no other commenter Chairman Miles closes the public comment portion of the meeting.

Chairman Miles asks if there is any other business before the board and hearing none, asks for a motion to adjourn.

*(Secretary's note: At this point in the meeting, 7:52 pm, the recording secretary reminds the Chairman that a motion for the subdivision public hearing is still needed. The motion is made and appears on page three of these minutes.)*

**MOTION** by Nick Kapnolas to adjourn the meeting.

Second by Ron McConnell

Ayes; Coletta, Kapnolas, DiPietro, Janeski, McConnell, Miles

Nays: none

Meeting ended at 7:53 pm EDT.

# # #

## **Town of Elmira**

### **PLANNING BOARD**

**Meeting, July1, 2019 – 7:00 pm EDT**

### **MINUTES**

**PRESENT:** Chairman Mark Miles

Members: J. Walter Booth  
James Carozza  
Paul DiPietro  
Nick Kapnolas  
Joe Janeski  
Ron McConnell

**ALSO PRESENT:** Eric Crandall, Code Enforcement Officer  
Chip LeValley, Recording Secretary

Chairman Miles called meeting to order at 7:00 pm and asked members if they had read the minutes of the June 3, 2019 meeting and if anyone had additions or corrections, and if none, a motion to approve.

**MOTION** by Nick Kapnolas to accept the minutes of the June 3, 2019 Planning Board meeting.

Second by Walter Booth

Ayes: Booth, Carozza, DiPietro, Janeski, Kapnolas, McConnell, Miles

Nays: None

#### **AGENDA ITEM – Hartman Subdivision Public Hearing**

Chairman Miles opens the public hearing at 7:03 pm and introduces Barbara Hartman of 81 Rolling Acres Road, Pine City, and asks her to review her subdivision application. Mrs. Hartman explains that she and her brother-in-law, Ronald G. Hartman, together own tax map ID 90.00-1-47 consisting of 175.14 acres which lies on both sides of Bowlby Road, and that a portion of the subdivision would be sold to her son who owns 90 Bowlby Road.

Chairman Miles then asks persons in attendance if anyone wishes to speak in approval of the subdivision application and a Michael C. Karee of 150 Bowlby Road asks if the property on the east side of Bowlby road is a single parcel. Mrs. Hartman explains that there will be two parcels after the subdivision.

Chairman Miles asks if there are any negative comments to the proposed subdivision and hearing none, asks for a motion to close the public hearing.

**MOTION** by Nick Kapnolas to close the public hearing for the Hartman Subdivision at 7:09 pm.

Second by Ron McConnell

Ayes: Booth, Carozza, DiPietro, Janeski, Kapnolas, McConnell, Miles

Nays: None

Chairman Miles mentions that the Planning Board is required to conduct an environmental impact review for this subdivision and part of the review is conducted by the board members responding to questions offered in Part Two of the State Environmental Quality Review and he asks the members to follow the questions as he reads them and make the appropriate response. At this point Walter Booth asks about the "Yes" response to several of the questions in Part One of the SEQR and Code Officer Crandall explains that Part One is generated by the state DEC software and the answers to certain questions are as a result of data kept by the state. The state inserts a disclaimer that some of its data is incomplete so the local authorities use their best effort to confirm the applicability in each specific application review. Chairman Miles reads all eleven questions on Part Two and the board members replied "No" to each of those questions.

Chairman Miles asks for a motion for a Negative Declaration to the SEQR.

**MOTION** by Paul DiPietro to make a Negative Declaration to the State Environmental Quality Review for the Hartman Subdivision.

Second by Nick Kapnolas

Ayes: Booth, Carozza, DiPietro, Janeski, Kapnolas, McConnell, Miles

Nays: None

Chairman Miles then asks for a motion on the Hartman Subdivision Application.

**MOTION** by Ron McConnell to approve the Hartman Subdivision Application.

Second by Nick Kapnolas

Ayes: Booth, Carozza, DiPietro, Janeski, Kapnolas, McConnell, Miles

Nays: None

**AGENDA ITEM – Site Plan Review for the School of Good Works at 1310 W. Church St.**

Chairman Miles asks Attorney Moore to recap the finding of the Zoning Board of Appeals deliberation on the use of the monastery by the School of Good Works. Mr. Moore explains the ZBA's decision regarding principal use and approved accessory uses. Chairman Miles asked if any variances were needed or required and Mr. Moore said that the ZBA determined that it ultimately rested on an understanding of the use of the building and in that regard, it issued an interpretation of that understanding. *A copy of the Town of Elmira Zoning Board of Appeals Decision dated May 31, 2019 is attached to these minutes.*

Nick Kapnolas asked Joe Works of the School of Good Works (SoGW) if he had any financial estimates for the necessary improvements to the fire alarm system and Mr. Works

replied that Fire Alarm Service Technology has been working closely with him and has provided budget numbers pending Code Enforcement and Fire Marshal requirements.

Walter Booth asks about parking and accessibility requirements and Mr. Works responds that the building currently has accessible features including an elevator serving all three levels. Code Officer Crandall remarks that the applicant's use drives the necessary parking spots in accordance with the zoning ordinances.

A discussion by members follows concerning access to the property from West Church Street and Hendy Avenue, parking, and fire access. A general conclusion is that drawings and photos from the applicant would help board members understand better the unique features of the monastery and the grounds around it.

Chairman Miles remarks that the data and facts offered this evening constitute the basics of a Concept Plan for the use of the monastery by the SoGW. He offers that to move to a Preliminary Site Plan status the applicant should refer to section 217-52 of the town ordinances and return to the Planning Board detailed information for members to consider. He asks for a motion to table the site plan application.

**MOTION** by Paul DiPietro to lay on the table the Site Plan Application by the School of Good Works until the next regular meeting on August 5, 2019 at which time additional data from the applicant to support a Preliminary Site plan will be considered.

Second by Ron McConnell

Ayes: Booth, Carozza, DiPietro, Janeski, Kapnolas, McConnell, Miles

Chairman Miles asks those persons in the audience if they had any comment on other issues that they would like to present to the Board, and hearing none, remarks that he would entertain a motion to adjourn.

**MOTION** by Nick Kapnolas to adjourn the meeting.

Second by Ron McConnell

Ayes: Booth, Carozza, DiPietro, Janeski, Kapnolas, McConnell, Miles

Nays: None

Meeting ended at 7:43 pm EDT.

Zoning Board of Appeals Attachment follows:

Town Clerk  
TOWN of ELMIRA  
1255 W. Water Street  
Elmira New York 14905

May 31, 2019

**A DECISION**

In the matter of The School of Good Works Variance Application to the Town of Elmira Zoning Board of Appeals, at its meeting Tuesday, May 28, 2019, the Board made the following:

A MOTION by Peter Peterson that the Zoning Board of Appeals finds that the principal use presented by the applicant, School of Good Works, is that of a Church or Place of Worship based on their use of the property as a Bible Study/Camp and Bible Retreats, conducted by the applicant non-profit.

And it is further the opinion of the board that the lease of the premises to a church be considered as an Accessory Use because the control of the lease is by the owner of the property and would be incidental to, and customary, to have a church associated with the principal use conducted by the owner that is located on the same lot as the principal use, and does not create a greater impact on the environment than the principal use.

As to the caretaker residential use of the property involving occupation of two separate locations on the property, it is the Board's opinion that a caretaker-in- residence on the property is an Accessory Use to the principal use in that the lease of those residential spaces is controlled by the owner of the property, it is incidental and customary to have caretakers on property for which the principal use exists, and they are located on the same lot as the principal use, and not having any greater impact on the environment than the principal use.

That being the motion of the Board thus providing the basis for the approval of the application of the School of Good Works.

Second by Albert Lucarelli  
Ayes: Lucarelli, Peterson, Sullivan  
Nays: None

In accordance with New York State Town Law section 267-a(2) this Decision is hereby filed this date with the Clerk of the Town of Elmira.

Fred B. LeValley Jr.  
Recording Secretary  
Zoning Board of Appeals, Town of Elmira

# # #

**Town of Elmira, New York  
Planning Board**

**Meeting – August 5, 2019 7:00 pm EDT**

**DRAFT MINUTES**

**PRESENT:** Chairman Mark Miles

Members: Paul DiPietro  
Nick Kapnolas  
Ron McConnell

**ABSENT:** J. Walter Booth  
James Carozza  
Joe Janeski

**ALSO PRESENT:** Scott Moore, Town Attorney  
Eric Crandall, Code Enforcement Officer  
Chip LeValley, Recording Secretary

Chairman Miles opens the meeting at 7:00 pm and asks members if there are any additions or corrections to the minutes of the July 1, 2019 meeting. Hearing none he asks for a motion to approve the minutes.

**MOTION** by Ron McConnell to approve the minutes of the July 1, 2019 Planning Board meeting.

Second by Paul DiPietro

*Ayes:* DiPietro, Kapnolas, McConnell and Miles.

*Nays:* none

**AGENDA ITEM: SCHENONE Sub Division**

Chairman Miles introduces Roger Schenone, owner of property at 334 Crane Road which is being subdivided and asks him to explain his application for subdivision.

Mr. Schenone explains that he and his wife desire to separate the boarding kennel business portion of his lot for liability purposes and that the new parcel would be owned by a limited liability corporation in the future. He notes that his property is functionally contiguous however the while the boarding kennels are in the Town of Elmira his residence is in the Town of Horseheads. The town line runs east-west across his property approximately 140 feet north of the kennel building and approximately 50 feet south of his residence.

Nick Kapnolas asks how long the kennel has been in operation and if there have been any problems. Mr. Schenone replies twenty years and no problems; the separation of the kennel business is simply to facilitate the formation of a LLC.

Scott Moore asks Mr. Schenone to clarify the location of the buildings and fences as depicted on the survey and then asks the Code Officer what the building setback requirements are in this case. Mr. Crandall replies that the setbacks for front, side and rear are 80 feet.

Chairman Miles remarks that the way the lot lines are drawn on the survey provided with the subdivision application would be non-conforming to the Density and Bulk Control Schedule of the Town of Elmira. Chairman Miles asks Mr. Schenone if he would like to redraw the survey or ask for an Area Variance from the Zoning Board of Appeals. Mr. Schenone agrees with Chairman Miles and the Code Officer that an application should be made to the ZBA for the variances necessary and then the subdivision may be considered.

**MOTION** by Nick Kapnolas to refer the Schenone application to the Zoning Board of Appeals for Area Variances on the proposed five acre lot to be subdivided.

Second by Ron McConnell

*Ayes:* DiPietro, Kapnolas, McConnell and Miles.

*Nays:* none

**AGENDA ITEM: HARTMAN Sub Division**

Chairman Miles introduces Barbara Hartman who is appearing before the board requesting a major Subdivision of a 162 acre lot, bordered by Bowlby Road and Jerusalem Hill Road, into seven lots of various size, all five acres or greater. Chairman Miles asks Mrs. Hartman to explain the subdivision and she refers the board members to the Agreement between Ronald G. Hartman and herself that is attached to the subdivision application which provides details of ownership of each lot. Additionally the agreement provides for a fifty foot wide right-of-way from Jerusalem Hill Road to allow access to parcels identified as "F" and "G."

Nick Kapnolas asks Mrs. Hartman to confirm that on page two of the agreement, the reference to "a division of three (3) parcels of land, east of Bowlby Road" is the subdivision that was before the board on July 1, 2019. Mrs. Hartman confirms that is correct.

Chairman Miles expresses concern about the location of the fifty foot right-of-way access from Jerusalem Hill Road due to the topography of the land at that point. He feels that the land is too steep to allow for serviceable entrance and exit especially for emergency vehicles that may need to traverse the right-of-way to parcels "F" and "G." Mrs. Hartman explains that the lay of the land at that point is quite level and the transition from Jerusalem Hill Road is well within normal limits.

Discussion follows concerning the right-of-way access to parcels, should they become developed, because of the steepness of the land. There is general agreement that the right-of-way, as depicted on the survey, crosses parcel "E" and "F" in a perpendicular to slope, north-south

direction and although it is not depicted on the separate topographic plat provided, is nearly level along its approximate 800 foot length.

Chairman Miles wonders if the stream depicted is active and subject to State Environmental Quality Review consideration. Mrs. Hartman and Ron McConnell both state that it is dry and inactive except for occasional snow melt runoff some years.

Chairman Miles asks if there are any other questions of the applicant and if not he would entertain a motion to consider the application as the Final Plat and schedule a public hearing.

**MOTION** by Ron McConnell to approve the Hartman Major Subdivision application as the Final Plat and set a public hearing on September 9, 2019.

Second by Nick Kapnolas

*Ayes:* DiPietro, Kapnolas, McConnell and Miles.

*Nays:* none

**AGENDA ITEM: SCHOOL OF GOOD WORKS (SoGW) Site Plan Application**

Chairman Miles reviews the application process up to this point and indicates that in response to some Planning Board questions Mr. Works is presenting an addendum to the Site Plan this evening. Mr. Works explains that the additional material before the board members contains a parking plan including night illumination.

Ron McConnell asks about the construction material of the parking lot and Mr. Works says that it will be compacted gravel. Paul DiPietro asks about the lighting for the parking lot and if there will be fencing to block light from the neighbor on Hendy Avenue. Mr. Works replies that the neighbor has already erected a privacy fence because of his swimming pool. Scott Moore asks the Code Officer if there is a height requirement for parking lot lights and Code Officer Eric Crandall replies that there is not. Paul DiPietro asks if the lights will be activated by timers and Mr. Works says that they are planned to be activated by motion detectors but that he is willing to have activation be anything the board would like.

Chairman Miles asks how far the parking lot is from the building and Mr. Works believes it is about 150 feet. The West Elmira Fire Department Chief, John von Hagn is present and says that he has measured the distance as 110 feet. Chairman Miles asks Chief von Hagn if the gravel parking lot construction will be adequate to support a fire truck. Chief von Hagn replies that he believes that as planned, it would not support a heavy truck when the gravel is wet or snow covered. Mr. Works said that he is willing to construct the lot, including illumination, to any specification that the board requires.

Chairman Miles, Mr. Works and the Code Enforcement Officer discuss the anticipated occupancy during the different instructional sessions as well as occupancy of the chapel area. In conclusion, it is understood by all that prior to the issuance of a Certificate of Occupancy the

Code Enforcement Officer will determine the specific number of occupants based on the final orientation and usage of the floor space within the walls of the complex as a whole.

Chairman Miles asks the members if they have any other questions for the applicant before considering the site plan as a complete Preliminary Site Plan. There were no further questions.

Chairman Miles remarks that the Site Plan must be referred to the Chemung County Planning Board for review and asks for a motion to that effect.

**MOTION** by Paul DiPietro to refer the Site Plan Application by the School of Good Works to the county Planning Board for review.

Second by Ron McConnell

*Ayes:* DiPietro, Kapnolas, McConnell and Miles.

*Nays:* none

Chairman Miles then asks for a motion to set a public hearing for the Preliminary Site Plan.

**MOTION** by Ron McConnell to set September 9, 2019 at 7:00 pm for the public hearing for the School of Good Works Site Plan application.

Second by Paul DiPietro

*Ayes:* DiPietro, Kapnolas, McConnell and Miles.

*Nays:* none

Chairman Miles asks the persons in attendance if there are any comments they may wish to make to the board. No comments were made.

Paul DiPietro asks the board and in particular the Code Enforcement Officer if the town has ordinances regulating the erection and operation of electronic signs/billboards. He cites the billboard in the city of Elmira that is being erected at the corner of East Water Street and Madison Avenue which he feels may be electronic in nature. Attorney Moore remarks that section 217.65 of the Code of the Town of Elmira governs signage in the town and does prohibit such billboards.

Chairman Miles asks for a motion to adjourn.

**MOTION** by Ron McConnell to adjourn.

Second by Nick Kapnolas

*Ayes:* DiPietro, Kapnolas, McConnell and Miles.

*Nays:* none

The meeting ended at 8:00 pm EDT



## Chemung County Planning Board

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

(607) 737-5510

[www.chemungcountyny.gov](http://www.chemungcountyny.gov)  
[planning@co.chemung.ny.us](mailto:planning@co.chemung.ny.us)

Referral Number

For office use only

### Chemung County Planning Board – Municipal Referral Form

(Please complete all information on both pages)

Referring Municipality: ☐ City ☒ Town ☐ Village of Chemung

Referring Official: Natasha Conklin Title: Town Clerk

Address: 48 Rotary Rd Ext

Phone Number: 607-529-3532 x2 E-mail: Townclerk@townofchemung.com

Referring Board (check appropriate box): ☐ Legislative Board ☒ ZBA ☐ Planning Board

Petitioner(s): Jonas Decker Phone: 607-372-6723

Petitioner's Mailing Address: 327 Acme Rd Waverly 14892 E-mail: \_\_\_\_\_

Location of Property: 992 Wyncroft Creek Road Chemung 14825

Tax Map Parcel Number(s): 123.00-1-9

Current Zoning District: CA

#### Proposed Action: (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Area Variance                           | <input type="checkbox"/> Subdivision Review    |
| <input checked="" type="checkbox"/> Use Variance                 | <input type="checkbox"/> Rezoning              |
| <input type="checkbox"/> Site Plan Review                        | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Special/Conditional Use Permit          | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Comprehensive Plan Adoption / Amendment | <input type="checkbox"/> Moratorium            |
| <input type="checkbox"/> 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): \_\_\_\_\_☒ (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 3☐ (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		July 10, 2019
Zoning Board of Appeals		August 7, 2019
Planning Board/Planning Commission		
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)

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

**TOWN OF CHEMUNG**  
**APPLICATION FOR SPECIAL USE PERMIT**

APPLICANTS NAME: Joshua Decker DATE: 5-29-19  
ADDRESS: 992 Wyncoop Creek Rd Chemung NY  
CONTACT NO.: 607 372-6723 WORK NO.: \_\_\_\_\_  
TAX MAP PARCEL # 123.00-1-9 PRESENT ZONING DISTRICT: \_\_\_\_\_  
NAME OR PURPOSE OF PROPOSED PROJECT: JD AutoSales

LOCATION OF PROJECT: 992 Wyncoop Creek Rd Chemung NY

**REQUIRED DOCUMENTS TO BE TURNED IN WITH THIS APPLICATION:**

- ☒ 1. **COMPLETED** STATE ENVIRONMENTAL IMPACT STATEMENT (SEQRA) PGS. 1-5
- ☒ 2. **COMPLETED** APPLICATION WITH \$50.00 APPLICATION FEE
- \_\_\_\_\_ 3. **TWO COPIES** OF COMPLETED PLAN OF PROJECT-DRAWN TO CONVENIENT SCALE, SHOWING ALL BUILDINGS; PARKING AREAS TRAFFIC ACCESS & CIRCULATION; OPEN SPACES; SIGNS AND ANY SPECIAL FEATURES & OTHER PERTINENT INFORMATION.
- \_\_\_\_\_ 4. THE USES OF LAND IMMEDIATELY ADJACENT TO AND FACING THE PROPOSED SITE SHALL BE INDICATED EITHER ON THE SITE PLAN OR SEPARATE DOCUMENT.
- \_\_\_\_\_ 5. IF PROJECT IS IN A FLOOD ZONE, YOU WILL NEED A FLOOD PERMIT AND STUDY AS REQUIRED BY LL#1 OF 1996, AS AMENDED. (CALL CHEMUNG CO. PLANNING DEPT. 607-737-5510 TO GET REQUIRED FORM AS TO WHETHER OR NOT IN A FLOOD ZONE)

\*\*\*\*\*

DATE ALL DOCUMENTS **COMPLETED** & TURNED INTO TOWN CLERKS OFFICE WITH APPLICATION FEE: 6/5/19  
DATE OF NEXT TOWN BOARD MTG & TOWN BOARD ACCEPTS APPLICATION: 6/12/19  
DATE REFERRAL MADE TO TOWN PLANNING BOARD: 6/12/19 DATE SENT: \_\_\_\_\_  
DATE REFERRAL MADE TO COUNTY PLANNING BOARD: \_\_\_\_\_ DATE SENT: \_\_\_\_\_  
TN. PLANNING BOARD MTG DATE: \_\_\_\_\_ CO. PLANNING BOARD MTG DATE: \_\_\_\_\_  
DATE BACK FROM TN. BD.: \_\_\_\_\_ DATE BACK FROM CO. BD.: \_\_\_\_\_  
DATE CHEMUNG TOWN BOARD APPROVES PERMIT: \_\_\_\_\_ DENIES PERMIT: \_\_\_\_\_  
DATE NOTIFICATION MADE TO APPLICANT: \_\_\_\_\_  
ADDRESS NOTIFICATION SENT TO: \_\_\_\_\_  
OTHER PERSONS NOTIFIED (ATTORNEY, ETC): \_\_\_\_\_

\*\*\*\*\*NO APPLICATION WILL BE ACCEPTED UNLESS IT IS COMPLETE\*\*\*\*\*

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

---

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:

☐

Part 1

☐

Part 2

☐

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.\***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared.**

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

---

Name of Action

---

Name of Lead Agency

---

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)

## PART 1--PROJECT INFORMATION

### Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action

JD Autosales

Location of Action (include Street Address, Municipality and County)

992 WYNCOOP CREEK RD Chemung NY.

Name of Applicant/Sponsor

Joshua Deeken

Address

327 ACME RD

City / PO

Waverly

State

NY

Zip Code

14892

Business Telephone

607 372 6723

Name of Owner (if different)

Donald L Deeken Jr

Address

992 WYNCOOP CREEK RD

City / PO

Chemung

State

NY

Zip Code

14825

Business Telephone

607 738-7601

Description of Action:

I would like to put JD autosales where Joke's Autosales  
is at on said property. The zoning officer said we  
had to see variance board to do so. And he said  
it is not zoned for said business. And that it is  
R2 for said property.

Thanks

## PART 1--PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action JD Autosales

Location of Action (include Street Address, Municipality and County)

992 WYNCOOP CREEK RD Chemung NY.

Name of Applicant/Sponsor Joshua Deeken

Address 327 ACME RD

City / PO Waverly State NY Zip Code 14892

Business Telephone 607 372 6723

Name of Owner (if different) DONALD L DEEKEN JR

Address 992 WYNCOOP CREEK RD

City / PO Chemung State NY Zip Code 14825

Business Telephone 607 738-7601

Description of Action:

I would like to put JD autosales where JOKAN Autosales  
is at on said property. The zoning officer said we  
had to see variance board to do so. And he said  
it is not zoned for said business. And that it is  
R2 for said property.

Thanks

Please Complete Each Question--Indicate N.A. if not applicable

## A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☐ Other \_\_\_\_\_

2. Total acreage of project area: 5 acres.

### APPROXIMATE ACREAGE

	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? \_\_\_\_\_

- a. Soil drainage: ☒ Well drained 90 % of site ☐ Moderately well drained \_\_\_\_\_ % of site.  
☐ Poorly drained \_\_\_\_\_ % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock \_\_\_\_\_ (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% \_\_\_\_\_ % ☐ 10- 15% \_\_\_\_\_ % ☐ 15% or greater \_\_\_\_\_ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? \_\_\_\_\_ (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

---

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:

☐ Part 1

☐ Part 2

☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

---

Name of Action

---

Name of Lead Agency

---

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)

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

b. Size (in acres):

Please Complete Each Question--Indicate N.A. if not applicable

## A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)  
☐ Forest ☐ Agriculture ☐ Other \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Total acreage of project area: 5 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ acres	_____ acres
Forested	_____ acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	_____ acres
Other (Indicate type) _____	_____ acres	_____ acres

3. What is predominant soil type(s) on project site? \_\_\_\_\_

- a. Soil drainage: ☒ Well drained 90 % of site ☐ Moderately well drained \_\_\_\_\_ % of site.  
☐ Poorly drained \_\_\_\_\_ % of site

- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No

- a. What is depth to bedrock \_\_\_\_\_ (in feet)

5. Approximate percentage of proposed project site with slopes:

☒ 0-10% \_\_\_\_\_ % ☐ 10- 15% \_\_\_\_\_ % ☐ 15% or greater \_\_\_\_\_ %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No

8. What is the depth of the water table? \_\_\_\_\_ (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

17. Is the site served by existing public utilities? ☐ Yes ☒ No
- a. If **YES**, does sufficient capacity exist to allow connection? ☐ Yes ☒ No
- b. If **YES**, will improvements be necessary to allow connection? ☐ Yes ☒ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- Total contiguous acreage owned or controlled by project sponsor: \_\_\_\_\_ acres.
  - Project acreage to be developed: \_\_\_\_\_ acres initially; \_\_\_\_\_ acres ultimately.
  - Project acreage to remain undeveloped: \_\_\_\_\_ acres.
  - Length of project, in miles: \_\_\_\_\_ (if appropriate)
  - If the project is an expansion, indicate percent of expansion proposed. \_\_\_\_\_ %
  - Number of off-street parking spaces existing \_\_\_\_\_; proposed \_\_\_\_\_
  - Maximum vehicular trips generated per hour: \_\_\_\_\_ (upon completion of project)?
  - If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	_____	_____	_____	_____
Ultimately	_____	_____	_____	_____
  - Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; \_\_\_\_\_ length.
  - Linear feet of frontage along a public thoroughfare project will occupy is? \_\_\_\_\_ ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? \_\_\_\_\_ tons/cubic yards.
3. Will disturbed areas be reclaimed ☐ Yes ☐ No ☐ N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- 
- Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No
  - Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? \_\_\_\_\_ acres.

**MINUTES FOR TOWN OF CHEMUNG TOWN BOARD MEETING  
HELD JULY 10<sup>TH</sup>, 2019 AT 7PM in the Town Hall at 48 Rotary Road  
Ext. Chemung NY 14825**

SUPERVISOR RICHTER LED EVERYONE IN THE PLEDGE OF ALLEGIANCE TO SALUTE THE FLAG.

**ROLL:** PRESENT: DONOVAN; BIRNEY; BERNATAVITZ; RICHTER  
ABSENT: LOPER

ON A MOTION BY BIRNEY AND SECONDED BY BERNATAVITZ THE MINUTES OF THE MAY 8<sup>TH</sup>, 2019 MEETINGS WERE ACCEPTED.

**CARRIED:** **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
**NAYS:** NONE  
**ABSENT:** LOPER

**COMMUNICATIONS:**

1. Ed Mitchell
2. US Dept Commerce
3. NYS Ag & Markets
4. NYS ORPS

**PUBLIC FORUM:**

Dennis Brown – any update on Delaware River Solar Farm

Joe Donovan – odor from the landfill is sewage from the Bronx – Joe will be following up with the appropriate people for this

**BUILDING COMMITTEE:**

Room is ready for the new heat and ac system

**OLD BUSINESS:**

1. Review / Update procurement policy – INSERO is finished and will be sending it down for next meeting
2. Local Law for property subdivision – Out for reviews we will take this up next month

**NEW BUSINESS:**

1. Special use permit - JD auto Sales – sent to Chemung County on their agenda for July 25<sup>th</sup>
2. Assessor Position

**RESOLUTION 2019-053  
ACCEPT MONTHLY REPORTS**

**RESOLUTION BY:** BIRNEY

**SECONDED BY:** DONOVAN

**RESOLVED**, the Chemung town board agrees to accept the monthly reports from all reporting departments.

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
                                 **NAYS:** NONE  
                                 **ABSENT:** LOPER

**RESOLUTION 2019-054  
PAY MONTHLY BILLS**

**RESOLUTION BY:** DONOVAN

**SECONDED BY:** BERNATAVITZ

**RESOLVED**, the Chemung town board agrees to pay the monthly bills.

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
                                 **NAYS:** NONE  
                                 **ABSENT:** LOPER

ON A MOTION BY BIRNEY AND SECONDED BY DONOVAN THE MEETING WAS  
ADJOURNED UNTIL AUGUST 14<sup>TH</sup>, 2019.

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
                                 **NAYS:** NONE  
                                 **ABSENT:** LOPER

RESPECTFULLY SUBMITTED:  
NATASHA CONKLIN  
CHEMUNG TOWN CLERK

**MINUTES FOR TOWN OF CHEMUNG TOWN BOARD MEETING  
HELD AUGUST 14<sup>TH</sup>, 2019 AT 7PM in the Town Hall at 48 Rotary  
Road Ext. Chemung NY 14825**

SUPERVISOR RICHTER LED EVERYONE IN THE PLEDGE OF ALLEGIANCE TO SALUTE THE FLAG.

**ROLL:** PRESENT: DONOVAN; BIRNEY; BERNATAVITZ; LOPER: RICHTER

ON A MOTION BY BIRNEY AND SECONDED BY BERNATAVITZ THE MINUTES OF THE July 10<sup>th</sup>, 2019 MEETINGS WERE ACCEPTED.

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
                                 **NAYS:** NONE  
                                 **ABSTAINED:** LOPER

**COMMUNICATIONS:**

1. NYS Dept – NYSEG rate increase
2. Chemung Town Court – JCAP
3. Williamson Law – Rate for 2020
4. NYS DOT --- Shared service agreement
5. County Board Elections – 2020 Election Cost
6. NYS ABC Board – Tomasso's renewal

**PUBLIC FORUM:**

None

**BUILDING COMMITTEE:**

HVAC is done and up and running

**OLD BUSINESS:**

1. Review / Update procurement policy – Looking into another source for help with this – possibly a shared service with Chemung County
2. Local Law for property subdivision – Tabled until September meeting, looking into making this a zoning addendum instead of a Local Law

**NEW BUSINESS:**

1. Special use permit - JD auto Sales – referred to Chemung County for a use Variance
2. Assessor Position

**RESOLUTION 2019-055  
JCAP GRANT**

**RESOLUTION BY:** BERNATAVITZ

**SECONDED BY:** DONOVAN

**RESOLVED**, the Chemung town board agrees to allow the Chemung Town Court to solicit for the JCAP grant

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
                                 **NAYS:** NONE

**RESOLUTION 2019-056  
JD AUTO SALES REFFERAL TO  
CHEMUNG COUNTY FOR USE VARIANCE**

**RESOLUTION BY:** BIRNEY

**SECONDED BY:** DONOVAN

**RESOLVED**, the Chemung town board agrees to refer the JD auto sales to Chemung County for a use variance

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
**NAYS:** NONE

**RESOLUTION 2019-057  
ASSESSOR POSITION OFFER**

**RESOLUTION BY:** BIRNEY

**SECONDED BY:** DONOVAN

**RESOLVED**, the Chemung town board agrees to offer the Assessors position to Mr. David Reger for a 6-year term starting in October 2019

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
**NAYS:** NONE

**RESOLUTION 2019-058  
ASSESSOR POSITION SALARY**

**RESOLUTION BY:** DONOVAN

**SECONDED BY:** LOPER

**RESOLVED**, the Chemung town board agrees to offer the new assessor as of October 1<sup>st</sup>, 2019 a salary of 60,000 yearly split by the 3 town as follows Ashland 10,000, Chemung 20,000 and Southport 30,000 with health ins being split also by the 3 towns as follow Ashland 1,900, Chemung 2,665, and Southport 4,100

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
**NAYS:** NONE

**RESOLUTION 2019-059  
OFFER THE ASSESSOR A PART TIME POSITION  
STARTING SEPTEMBER 1, 2019**

**RESOLUTION BY:** BIRNEY

**SECONDED BY:** BERNATAVITZ

**RESOLVED**, the Chemung town board agrees to offer the new assessor as of October 1<sup>st</sup>, 2019 a part time position starting September 1<sup>st</sup>, 2019 for training at half of a normal monthly salary

**CARRIED:**                   **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER  
**NAYS:** NONE

**RESOLUTION 2019-060  
TOWN OF CHEMUNG HIGHWAY  
NEW TRUCK BID**

**RESOLUTION BY:** BIRNEY

**SECONDED BY:** BERNATAVITZ

**RESOLVED**, the Chemung town board agrees to allow Chris Doane Supervisor for the Town of Chemung Highway Dept to purchase a new Western Star Plow Truck, purchasing will be through the approved NYS truck bidders

**CARRIED:** **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER

**NAYS:** NONE

**RESOLUTION 2019-061  
ACCEPT MONTHLY REPORTS**

**RESOLUTION BY:** BIRNEY

**SECONDED BY:** LOPER

**RESOLVED**, the Chemung town board agrees to accept the monthly reports from all reporting departments.

**CARRIED:** **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER

**NAYS:** NONE

**RESOLUTION 2019-062  
PAY MONTHLY BILLS**

**RESOLUTION BY:** BERNATAVITZ

**SECONDED BY:** DONOVAN

**RESOLVED**, the Chemung town board agrees to pay the monthly bills.

**CARRIED:** **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER

**NAYS:** NONE

ON A MOTION BY BIRNEY AND SECONDED BY DONOVAN THE MEETING WAS  
ADJOURNED AT 7:35 P.M. UNTIL SEPTEMBER 11<sup>TH</sup>, 2019.

**CARRIED:** **AYES:** DONOVAN; BIRNEY; BERNATAVITZ; LOPER; RICHTER

**NAYS:** NONE

RESPECTFULLY SUBMITTED:  
NATASHA CONKLIN  
CHEMUNG TOWN CLERK

## ZBA Minutes – August 7, 2019

The Zoning Board of Appeals of the Town of Chemung met on August 7, 2019 at the Chemung Town Hall, 48 Rotary Road Ext, in the Town of Chemung and held a public hearing to consider the application #2019-2, 2019-3, 2019-4, and 2019-5.

The meeting was called to order at 6:30 pm by Jeff Klossner.

Roll of members taken:

Present: Jeff Klossner, Mike Langdon, Dave Mastrantuono, Brian Hyland, James Collins

Absent: None

Also present: Joshua Decker, Don Decker, Cass & Christina Doane, Mike & Kim Buchanan

Brian Hyland made a motion to approve the minutes from the 6/20/19 meeting, Jim Collins seconded and all in favor.

Application 2019-2 – Cass & Christina Doane, County Route 60, Chemung, tax map #124.00-1-29, Doanes would like to put a double wide on the property, this was submitted as a variance for area. The permit was denied, the Code Officer said it was denied because housing is not allowed in the B-2 zone. The Board feels this should get some clarification in the Zoning, by the Planning Board or the Town Attorney, because it is not written that it is not allowed. Jim Collins made a motion to approve the double wide to be placed on this lot, pending approve from the Board of Health. And Brian Hyland seconded the motion. All in favor.

Application 2019-3 - Joshua Decker, 992 Wyncoop Creek Road, Chemung, tax map #123.00-1-9. This application was turned over to the ZBA by the County Planning Dept, they feel it is a zoning issue. This application is Decker would like to open J&D Auto Sales at the location where Yukon Auto Sales is located. Jim Collins made a motion to approve JD Auto Sales opening at 992 Wyncoop Creek location. This location has had this business here for years and there is an existing junk yard behind this location. Mike Langdon Seconded and all were in favor.

Application 2019-4 - Mike & Kim Buchanan, 129 Dry Brook Road, Waverly, tax map #124.00-1-21.5. Applicant is seeking an area variance. They would like to replace their current single wide trailer with a Modular home. Dave Mastrantuono made a motion to approve the new modular, pending Board of Health approval, Jim Collins seconded, all in favor.

Application 2019-5 - Sheila Root, 562 Dry Brook Road, Waverly, tax map #114.00-1-15 Applicant is seeking an area variance. She would like to put in a 10x14 storage shed on her property that is less than 3 acres. Jeff Klossner made a motion to approve the shed, Jim Collins seconded and all in favor.

Motion to adjourn was made by Brian Hyland to adjourn.  
Seconded by Jim Collins and all in favor.

Meeting adjourned at 6:45pm

Respectfully Submitted,

Nancy G. Perry  
ZBA Clerk, Town of Chemung

Appeal #2019-2  
**Resolution**

County Route 60  
Cass & Christina Doane

Resolution by: Jim Collins

Seconded by: Brian Hyland

The Zoning Board of Appeals of the Town of Chemung, in the matter of the application of 2019-2, after deliberating on August 7, 2019 HERBY RESOLVE

That the Application 2019-2, dated July 18, 2019 requesting a variance to install a double wide in a B-2. Tax map #124.00-1-29 property located County Route 60 in the Town of Chemung, Chemung County, NY

**BE GRANTED**

Roll was taken:

Ayes: Jeff Klossner, Mike Langdon, Dave Mastrantuono

Nays: None

Motion Carried

Appeal #2019-3  
**Resolution**

992 Wyncoop Creek Road  
Joshua Decker

Resolution by: Jim Collins

Seconded by: Michael Langdon

The Zoning Board of Appeals of the Town of Chemung, in the matter of the application of 2019-3, after deliberating on August 7, 2019 HERBY RESOLVE

That the Application 2019-3, dated May 29, 2019 requesting approval to open J& D Auto Sales where Yukon Auto Sales is currently in the Town of Chemung, Chemung County, NY

BE GRANTED

Roll was taken:

Ayes: Jeff Klossner, Brian Hyland, Dave Mastrantuono

Nays: None

Motion Carried

Appeal #2019-4

**Resolution**

129 Dry Brook Road  
Mike & Kim Buchanan

Resolution by: Dave Mastrantuono

Seconded by: Jim Collins

The Zoning Board of Appeals of the Town of Chemung, in the matter of the application of 2019-4, after deliberating on August 7, 2019 HERBY RESOLVE

That the Application 2019-4, dated August 6, 2019 requesting variance to remove a single wide trailer with a modular in the Town of Chemung, Chemung County, NY

**BE GRANTED**

Roll was taken:

Ayes: Jeff Klossner, Brian Hyland, Mike Langdon

Nays: None

Motion Carried

Appeal #2019-5  
**Resolution**

562 Dry Brook Road  
Sheila Root

Resolution by: Jeff Klossner

Seconded by: Jim Collins

The Zoning Board of Appeals of the Town of Chemung, in the matter of the application of 2019-5, after deliberating on August 7, 2019 HERBY RESOLVE

That the Application 2019-4, dated August 7, 2019 requesting variance to install a storage shed in the Town of Chemung, Chemung County, NY

**BE GRANTED**

Roll was taken:

Ayes: Dave Mastrantuono, Brian Hyland, Mike Langdon

Nays: None

Motion Carried



## Chemung County Planning Board

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

(607) 737-5510

[www.chemungcountyny.gov](http://www.chemungcountyny.gov)

[planning@co.chemung.ny.us](mailto:planning@co.chemung.ny.us)

Referral Number

For office use only

### Chemung County Planning Board – Municipal Referral Form

(Please complete all information on both pages)

Referring Municipality: ☐ City ☒ Town ☐ Village of Town of Catlin

Referring Official: James Plate Title: Planning Board Chairman

Address: 1448 Chambers Road

Phone Number: 607-738-5668 Jims Cell E-mail: Catlinplanning@gmail.com

Referring Board (check appropriate box): ☐ Legislative Board ☐ ZBA ☒ Planning Board

Petitioner(s): Elmira Structures Inc for Full Gospel Church Phone: 739-8800

Petitioner's Mailing Address: 66 Philo Road West Elmira, NY 14903 E-mail: kirk@elmirastructures.com

Location of Property: 683 Backer Road Beaver Dams, NY 14812

Tax Map Parcel Number(s): 8.00-1-56,57,58,and 51.2

Current Zoning District: AR

#### Proposed Action: (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Area Variance                           | <input type="checkbox"/> Subdivision Review    |
| <input type="checkbox"/> Use Variance                            | <input type="checkbox"/> Rezoning              |
| <input checked="" type="checkbox"/> Site Plan Review             | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Special/Conditional Use Permit          | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Comprehensive Plan Adoption / Amendment | <input type="checkbox"/> Moratorium            |
| <input type="checkbox"/> Other (please specify): _____           |  |

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

See Attached Application to Town of Catlin Planning Board documents

**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 (State Parkway), (Thruway), (Expressway), (Road) or (Highway); (Include (County) or (State Route) # and name of (Road): #35 Chambers 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		
Zoning Board of Appeals		
Planning Board/Planning Commission	TBD in September	8/15/19 Preliminary Public Hearing and Final in September
City Council		

Action taken on this application (reviewed, approved, discussed, etc.) Preliminary review meeting 8/15/19

**"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)

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

**TOWN OF CATLIN**  
**APPLICATION FOR PLANNING BOARD REVIEW**

This Application has been developed by the Town of Catlin Planning Board for use by the Code Enforcement Officer and the Public. It is anticipated that the applicant will have become familiar with the Local Laws and Ordinances in the Town of Catlin.

Type of review requested: Subdivision/ Site Plan (Circle one)

Tax Parcel Number: 8.00-1-56,57,58,51-2

Name of Proposed Project: ADDITION TO EXISTING CHURCH FOR  
SANCTUARY & FELLOWSHIP HALL

Owners Name: FULL GOSPEL CHURCH OF CATLIN

Address: 683 BACKER RD.  
BEAVER DAMS, N.Y. 14812

Telephone Number: 607-739-9579

Applicants Name: ELMIRA STRUCTURES, INC &

Address: KV ENGINEERING PLLC  
66 Philo Rd West  
Elmira, N.Y. 14903

Telephone Number: 607-739-8800

On the back of this sheet please provide the following information;

General location of project: SEE ATTACHED SURVEY

Description of present use of property: CHURCH

Description of proposed use of property: CHURCH

Statement of ownership: FULL GOSPEL CHURCH OF CATLIN CENTRAL

Applicant's opinion of environmental impact: NO IMPACT < 1 ACRE DISTURBED

Statement regarding provisions for water supply and sewage disposal: EXISTING WELL &  
SEPTIC SYSTEM. SEPTIC TO BE VERIFIED & UPGRADED IF

The information provided on this application as well as any information requested by the Catlin Planning Board is true and correct to the best of my knowledge. It will be used as the basis for approval, approval with conditions, or disapproval of this Application NECESSARY

Owners Signature: Rev. Pat A. Ing

Date: 7/17/19

Applicant's Signature: [Signature]

Date: 7/16/19

April 26, 2001

Kirk M. Vieselmeier, PE  
PRESIDENT

Page 1

**TOWN OF CATLIN**  
**APPLICATION FOR PLANNING BOARD REVIEW**

**TOWN OF CATLIN**  
**APPLICATION FOR PLANNING BOARD REVIEW**

Map or Plan Checklist

Tax Parcel Number: 8.00-1-56,57,58,51-2  
 Owners Name: FULL GOSPEL CHURCH OF CATLIN  
 Applicants Name: EMPIRA STRUCTURES, INC.  
 Name of Proposed Project: ADDITION TO EXISTING CHURCH

Type of review; Concept, Preliminary, or Final (Circle one)

ITEM		REQUIRED	PROVIDED
1. Applicable fee collected	<u>\$ 00</u> <u>- 50</u>		✓
2. Certified Survey			✓
3. Tax Parcel Number			✓
3. Scale not less than: (Circle one)			
A. Site Plan:			
i. Concept Plan: 1":2000'			
ii. Preliminary: 1":100'	<u>1":60'</u>		✓
B. Subdivision:			
i. Concept: 1":200'			
ii. Preliminary: 1":50'			
4. Show Entire Parcel			✓
5. North Arrow			✓
6. Name of Project			✓
7. Owner or Applicant Name			✓
8. Existing Buildings			✓
9. Existing Streets			✓
10. Proposed Streets	<u>NONE</u>		
11. Existing Utilities			✓
12. Proposed Utilities	<u>Existing</u>		
13. Septic and Well Location			✓
14. Natural Features	<u>See PHOTOS</u>		✓
15. Contour Lines			
16. Rights of Way			
17. Existing Driveways			✓
18. Proposed Driveways			
19. All Proposed Signage (Refer to Section 10.7, Zoning Law)			
20. All Proposed Buffer, Landscaping, and Barrier (Refer to Section 10.23, Zoning Law)			
21. Existing Location of All Included Drainage Features			✓
22. Proposed Location of All Included Drainage Features			
23. Drainage System Details	<u>utilize existing</u>		✓
24. New Street(s) and Associated Ditch Cross Sections			
25. All Adjoining Property(s) Identified on Map			✓
26. Other Items: Use back of this Sheet			

**NOTE:** Site plan requires (12) paper copies of plan. Subdivision requires (12) copies of plan.

**TOWN OF CATLIN**  
**APPLICATION FOR PLANNING BOARD REVIEW**

ITEM	REQUIRED	PROVIDED
Other Items From 26 on Page 3		
A.		
B.		
C.		
D.		
E.		
F.		
G.		
H.		
I.		
J.		
K.		
L.		
M.		
N.		
O.		
P.		
Q.		
R.		
S.		
T.		
U.		
V.		
W.		
X.		
Y.		
Z.		

**TOWN OF CATLIN**  
**APPLICATION FOR PLANNING BOARD REVIEW**

**SEQR CONSIDERATIONS CHECKLIST**

Type of review requested: Subdivision/ Site Plan (Circle one)

Tax Parcel Number: 8.00-1-56, 57, 58, 51-2

Project Name: ADDITION TO EXISTING CHURCH  
 Owners Name: FULL GOSPEL CHURCH OF CATLIN  
 Applicant's Name: ELMIRA STRUCTURES, INC

ITEM	YES	NO
1) Does this project involve development of more than 5 acres?		X
2) Are there any DEC classified streams within 500 ft. of this project?		X
3) Are there any wetlands within 500 ft. of this project?		X
4) Will any structure on this project exceed 4000 sq.ft. in area including all paved areas?		X
5) Will any structure on this project exceed 35 ft. in height at peak?		X
6) Is this project within 500 ft. of any municipal water supply (well)		X
7) Will this project create any hazardous waste or create an air or water discharge other than ordinary sewage disposal system?		X
8) Are any of the thresholds exceeded as referenced in Sect.617.4 of 6NYCRR Part 617?		X
9) Has there been any documented public controversy over this project?		X
10) In the opinion of the preparer are there any environmental concerns other than those listed?		X
a)		
b)		
c)		
d)		
11) Is this a: Type I Action/ <u>Type II Action</u> /or Unlisted Action( Circle one)		

Note: Any answer in the Yes column may require the completion of Part 617.20 Appendix A SEQR form. Part 617.20 Appendix C SEQR form may be used when determined by the Planning Board or Applications Committee.

Preparer's Signature: \_\_\_\_\_

*Kirk M. Vreselmeyer, PE*  
 PRESIDENT

Date: \_\_\_\_\_

*7/16/19*

**TOWN OF CATLIN**  
**APPLICATION FOR PLANNING BOARD REVIEW**

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**TOWN OF CATLIN**  
**APPLICATION FOR PLANNING BOARD REVIEW**

Final Checklist

Type of review requested: Subdivision/ Site Plan (Circle one)

Tax Parcel Number: 8-00-1-56, 57, 58, 51-2

Project Name: ADDITION TO EXISTING CHURCH  
Owners Name: FULL GOSPEL CHURCH OF CATLIN  
Applicant's Name: Edwards Structures, INC

ITEM	REQUIRED	DATE COMPLETED
1) Application form( Pages 1 and 2)		7-16-19
2) General Location Maps		7-16-19
a) Tax Map Extract		
b) USGS Topographical Map		
3) SEQR Considerations Checklist( Page 5)		7-16-19
a) Type of Action: I, (II), unlisted (circle one)		
b) SEQR Form 617.20 Appendix A		
c) SEQR Form 617.20 Appendix C		
4) Planning Map or Plat		
5) Map/Plan Checklist( Page 3)		7-16-19
6) Chemung County Health Department Disposal Permits		
7) County Sewer District Permits		
8) Driveway Permits		
a) DOT		
b) Chemung County Highway		
c) Town of Catlin Highway		
9) Approvals/Notifications		
a) Chemung County Planning Board		
b) Adjoining Town(s)		
c) DEC		
d) Others		
10) Storm Water Drainage Plan		utilize existing
11) Water Department Letter		
12) Public Hearing		
13) Other Items		
a)		
b)		
c)		
d)		

Preparer's Signature: \_\_\_\_\_

Date: 7/16/19

April 26, 2001

*Kirk M. Vriesmeyer, PE*  
**PRESIDENT**

Page 7

**TOWN OF CATLIN**  
**APPLICATION FOR PLANNING BOARD REVIEW**

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**TOWN OF CATLIN PLANNING BOARD  
RESOLUTION 07-19**

Motion by: J. Plate  
Seconded by: J. Wakeman

**WHEREAS**, Elmira Structures, INC, has applied for a Site Plan Review for the extension to the Full Gospel Church on 683 Backer Road, and

**WHEREAS**, The Planning Board has reviewed the application in accordance with Town of Catlin Zoning Local Law and found the following:

- 1) A SEQR was completed, see Catlin Planning Board Resolution 06-19.
- 2) The following items were considered:
  - a) The Full Gospel Church is a Non-Conforming Use and Structure in accordance with Article 11 of the Catlin Zoning Local Law. The request for extension will require a Site Plan Review by Article 4 of the Catlin Zoning Local Law.
  - b) The Church is an existing Use and Structure. There are no known issues with the Use and Structures on the lots the church occupies. The Catlin Planning Board waives the submittal requirements for the existing Church, parking lot, and pavilion by Article 9.4 of the Catlin Zoning Local Law.
  - c) The setback for the proposed extension will be equal to or greater than the existing church setback
  - d) The existing pavilion may or may not be entirely removed due to the extension depending on code requirements.
  - e) The existing Parking lot will be able to handle the increased area of the Church.
  - f) The applicant will coordinate with the Chemung County Health Department to determine if septic and well requirements will be met for the proposed development.
  - g) The applicant will coordinate with the Tompkins Corners Fire Department to deal with any concerns the fire department may have with the development.
  - h) This development is located adjacent to Chambers Road, a County Road, and has been referred to the Chemung County Planning Board.
- 3) The following items will be required prior to action on the Final Plan:
  - a) A Public Hearing as required by the Site Plan Review process of Article 9 Catlin Zoning Local Law.

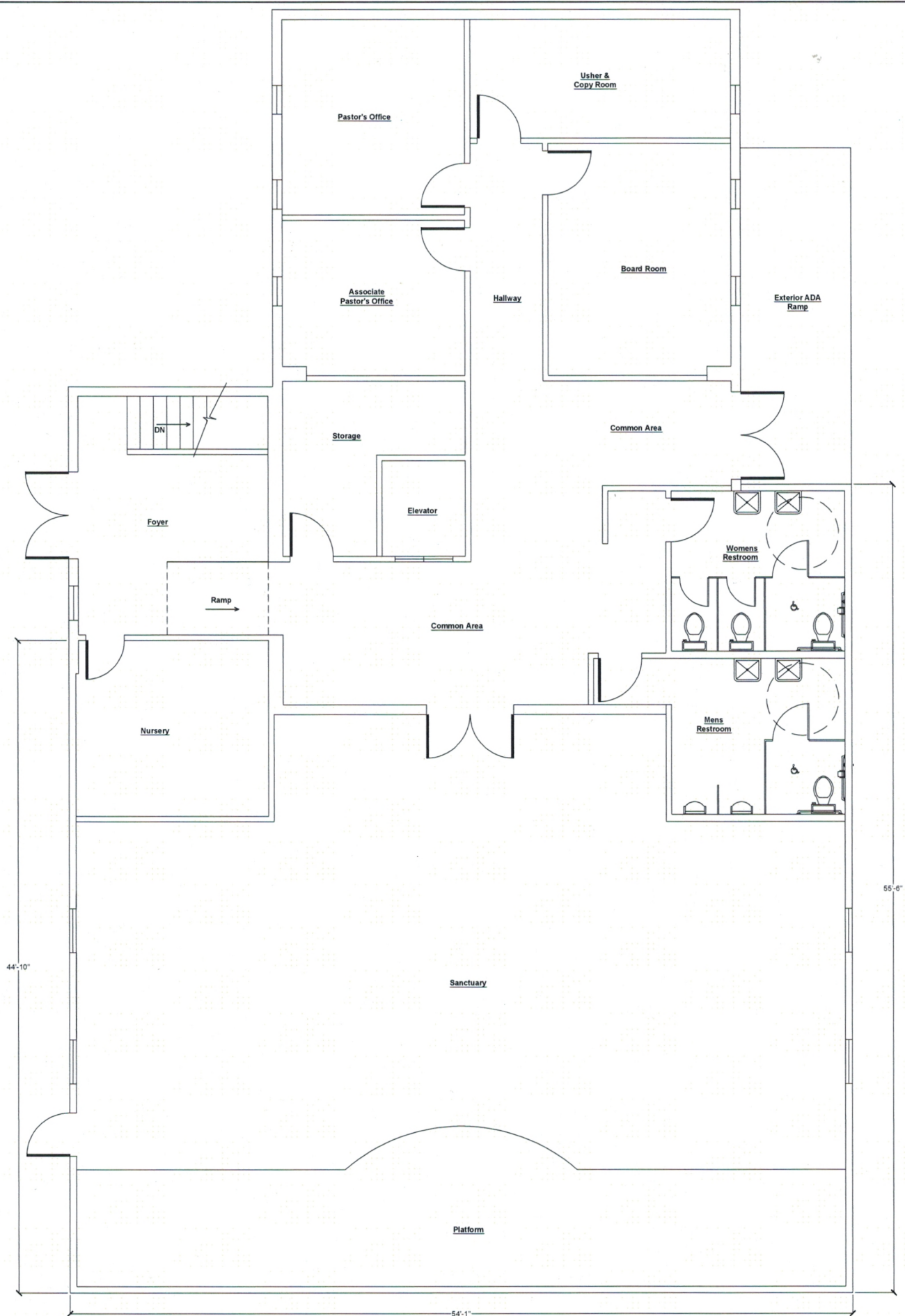
now, therefore, be it

**RESOLVED**, That the Planning Board accepts with conditions listed above, items 2 (f and g), the Preliminary Plan in accordance with Article 9.8 of the Catlin Zoning Local Law, and

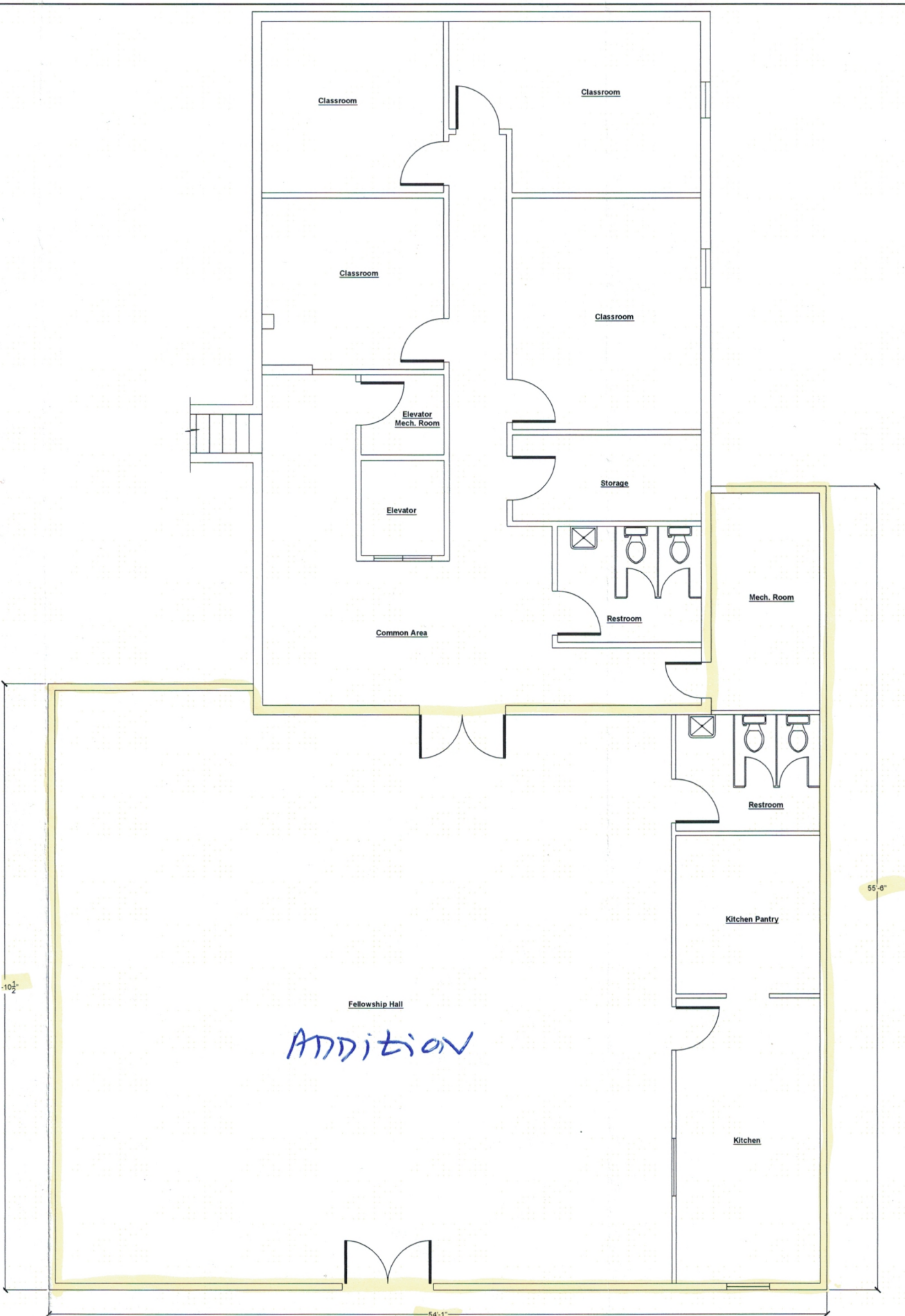
***RESOLVED***, That a Public Hearing for the Full Gospel Church Site Plan Application be scheduled on September 26 at 7 PM as required by Article 9.8.1 F of the Catlin Zoning Local Law, and

***RESOLVED***, That copies of this resolution be provided to the applicant and Town Clerk.

(Results):      Ayes: J. Maroney, W. Clack, J. Wakeman, J. Plate, and B. Lucas  
                     Nays: None



**Proposed First Floor Plan**  
Scale: 1/4" = 1'-0"



**Proposed Basement Plan**

Scale: 1/4" = 1'-0"

**KV** ENGINEERING P.L.L.C.

66 PHILD ROAD WEST  
ELMIRA, NY 14903

PH: 607.739.8800

FX: 607.796.0374

NEW ADDITION & RENOVATIONS FOR:  
**FULL GOSPEL CHURCH**

683 BACKER ROAD  
BEAVER DAMS, NY 14812

REVISION	DESCRIPTION	DATE
KV ENGINEERING PROJECT NO.		
DRAWN BY	CHECKED BY	
KAV	KMV	
DATE ISSUED		
SCALE		
AS NOTED		
PRELIMINARY FLOOR PLAN		

**A-1**



Addition

Remove

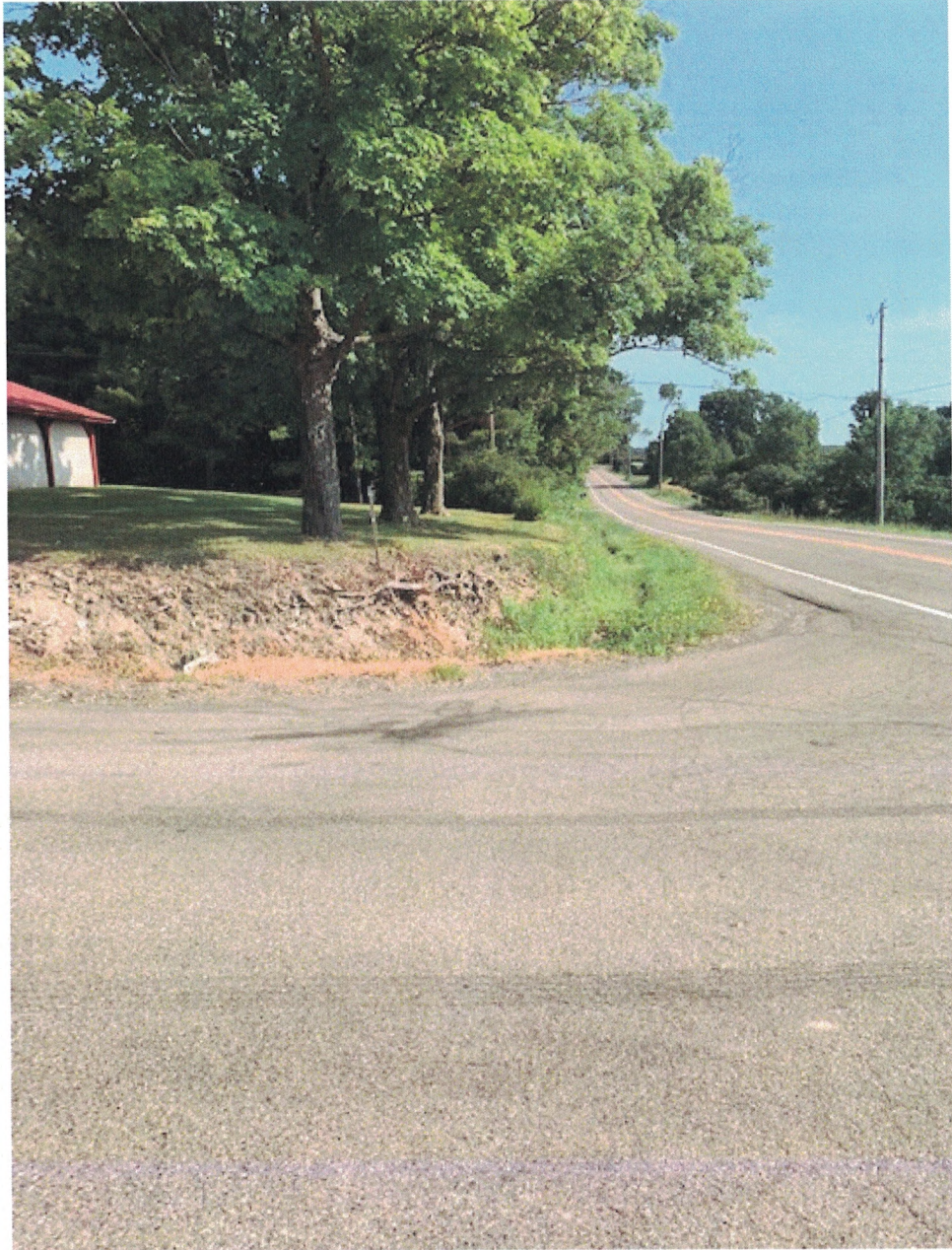
PORTION OF PAULSON TO  
BE REMOVED



EXISTING DRAINAGE









EXISTING BUILDING





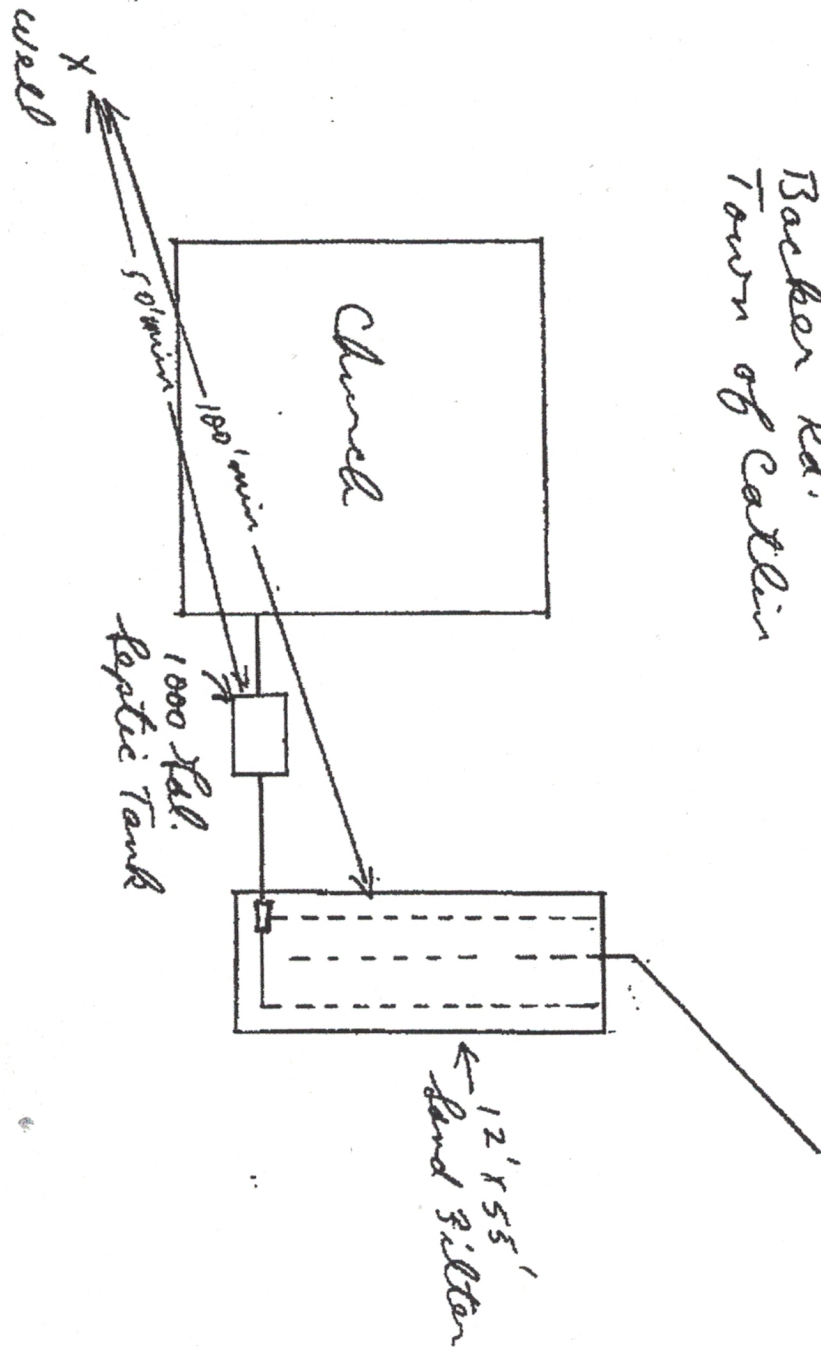






EXISTING SEPTIC

Full Gospel Church  
of Catlin Center  
Backer Rd.  
Town of Catlin



Backer Rd.

Not to Scale  
Paper 11/11/11

# SPECIFICATIONS

BUILDING SEWER - 4" cast iron, schedule 40 PVC, leak proof joints, min. slope 1/4" per ft.

SEPTIC TANK - Water tight concrete or Com.Std. metal. U.L. approved; Fiberglass may be used if properly bedded in sand and anchored. Capacity 1,000 Gal. Min. distance from house 10 ft. Min. distance to well 50 ft. New X Existing Replacement

SEWER FROM TANK TO DISTRIBUTION BOX - 4" cast iron, PVC or equivalent. Tight joints. Min. grade 1/8" per ft.

PRIMARY DISTRIBUTION BOX - No. of outlets 2 : Outlets all same level and 1" from bottom. Inlet at least 2" above outlets.

TILE FIELD - 4" plastic perforated pipe. Total ft. No. of laterals : Length per lateral ft. Slope 1/16 to 1/32 of an inch per foot. Trench width in. Trench depth in. Min. distance from water supply ft. Min. distance between trenches ft. USE 6" to 8" of No. 2 CLEAN WASHED GRAVEL UNDER TILE AND 2" ABOVE TILE. Lay untreated building paper or straw over gravel before replacing earth. Do not strip soil, nor work when wet, nor run heavy equipment over the tile field.

SEEPAGE PIT - Min. distance to well ft. Depth (inlet to bottom) ft. Bottom outside diameter ft. Top outside diameter ft. Walls of cinder block or equivalent with cells horizontal. USE 12" No. 2 OR 3 GRAVEL AROUND THE OUTSIDE. Use reinforced concrete cover. Precast seepage pits or dry well rings are acceptable only if they have at least one drainage hole per 3 ft. of outside wall area. These holes shall have at least a 3 in. outside diameter.

SAND FILTER - Dimensions are 12 ft. by 55 ft. Detailed instructions are shown on the attached plans. Filter sand must be from an approved source. Minimum distance to property line 200 ft. Minimum distance to well 100 ft. Call County Health Department for latest information on sources of filter sand (737-2019).

SAND FILTER SEEPAGE FILL - Secondary distribution box; No. of outlets . Overflow outlet invert 2" minimum above distribution outlets. Seepage fill to be ' wide, ' long, ' thick. Detail sheet for additional information available from Health Department. Distance to Property Line /.

REMARKS OR

SKETCH

CONTRACTOR'S OBLIGATION TO APPLICANT: Dimensions and distances from at least 2 points (shown in sketch above) given to owner. Yes . No . Work completed? Yes No Date

Contractor's Signature Date

# APPLICATION FOR SEWAGE DISPOSAL PERMIT

Chemung County Health Department  
Heritage Park, Elmira, N.Y., 14901

Full Gospel Church  
Catlin

Closed 80

The applicant agrees that the County of Chemung and its employees shall not be liable to the owner or any other person for any act or omission of any employee of County Health Department and agrees to hold the County of Chemung free and harmless for any failure of the sewage system or for liability that may occur as a result of the design, construction and operation of the sewage system applied for in this application. The applicant has the option of retaining a professional engineer of his choice to design the sewage system being considered in this application. The applicant, in executing this application, has elected to adopt the sewage system design developed by him, or his contractor with the help of the Health Department, as his own design and has decided not to consult or have the same designed or reviewed by his engineer. On June 15, 1976 the State Health Department changed the rules and regulations governing individual sewage disposal systems. In some cases, particularly with replacement sewage systems, it may be impossible to comply with these new rules and regulations. In these cases, the County Health Department will attempt to issue a permit which will reflect the best possible design with the lot size available.

Owner: Full Gospel Church of Catlin Center Tel. No. 739-2910  
Present Rd #2 Chambers Beaver Dams, N.Y. 14812  
Mailing Rd #2 Chambers Beaver Dams, N.Y. 14812  
Address Street Post Office Zip

Exact location: approximate CORNER OF CHAMBERS RD + BACKER RD. CATLIN, N.Y.  
mileage from nearest intersection: Road or Street Town or Village (not mailing address)

Water Supply: Existing-Describe \_\_\_\_\_ Proposed ☒ Public Water Supply \_\_\_\_\_  
(Proposed water supply must be located according to Health Department specifications)

## Sewage Disposal System

Contractor's Name \_\_\_\_\_ Address: \_\_\_\_\_

No. of chuck No. of \_\_\_\_\_ Lot \_\_\_\_\_  
Bedrooms \_\_\_\_\_ Occupants \_\_\_\_\_ Size 7.7 Acres Replacement System \_\_\_\_\_ New Bldg. ☒

If a tile trench field is being considered, the depth of the percolation test hole should be six inches below the trench bottom or approximately 30 inches below the final ground surface. If a seepage pit or cesspool is under consideration, then percolation tests should be run at one-half the depth and at the full estimated depth of the seepage pit. In order to facilitate the running of the test, a larger excavation should be made for the upper portion of the hole with the actual test hole in the bottom. The procedure for carrying out the percolation test is available at this office.

Distance between Septic Tank & Well 50 ft. Between Disposal Area & Well 100 ft.

Depth to Ground Water unk ft. To Rock unk ft. Type of Soil clay.

This office reserves the right to have Percolation Tests witnessed by a representative of this department.

## Soil Tests

Hole No.	Depth Inches	1st inch	Minutes 2nd inch	3rd inch	4th inch

The applicant may do his own test with this understanding.

Design Rate 900 Gal. per Day

Date June 19, 1979

SIGNATURE OF APPLICANT

Rev. John A. Chamberlain (pastor)

## For Office Use Only

Approved for Construction

7-2-79

Date

S. Edwards

Inspector

Approved for Covering

6/3/80

Date

R. Gibbs

Inspector

☒ For purpose of the State Environmental Quality Review Act, the approval of this application and the granting of a permit for the project is a Type II action.

# SPECIFICATIONS

BUILDING SEWER - 4" cast iron, schedule 40 PVC, leak proof joints, min. slope 1/4" per ft.

SEPTIC TANK - Water tight concrete or Com.Std. metal. U.L. approved; Fiberglass may be used if properly bedded in sand and anchored. Capacity 1000 Gal. Min. distance from house 10 ft. Min. distance to well 50 ft. New X Existing        Replacement       

SEWER FROM TANK TO DISTRIBUTION BOX - 4" cast iron, PVC or equivalent. Tight joints. Min. grade 1/8" per ft.

PRIMARY DISTRIBUTION BOX - No. of outlets 2; Outlets all same level and 1" from bottom. Inlet at least 2" above outlets.

TILE FIELD - 4" plastic perforated pipe. Total        ft. No. of laterals       ; Length per lateral        ft. Slope 1/16 to 1/32 of an inch per foot. Trench width        in. Trench depth        in. Min. distance from water supply        ft. Min. distance between trenches        ft. USE 6" to 8" of No. 2 CLEAN WASHED GRAVEL UNDER TILE AND 2" ABOVE TILE. Lay untreated building paper or straw over gravel before replacing earth. Do not strip soil, nor work when wet, nor run heavy equipment over the tile field.

SEEPAGE PIT - Min. distance to well        ft. Depth (inlet to bottom)        ft. Bottom outside diameter        ft. Top outside diameter        ft. Walls of cinder block or equivalent with cells horizontal. USE 12" No. 2 OR 3 GRAVEL AROUND THE OUTSIDE. Use reinforced concrete cover. Precast seepage pits or dry well rings are acceptable only if they have at least one drainage hole per 3 ft.<sup>2</sup> of outside wall area. These holes shall have at least a 3 in. outside diameter.

SAND FILTER - Dimensions are 12 ft. by 55 ft. Detailed instructions are shown on the attached plans. Filter sand must be from an approved source. Minimum distance to property line 200 ft. Minimum distance to well 100 ft. Call County Health Department for latest information on sources of filter sand (737-2019).

SAND FILTER SEEPAGE FILL - Secondary distribution box; No. of outlets       . Overflow outlet invert 2" minimum above distribution outlets. Seepage fill to be        wide,        long,        thick. Detail sheet for additional information available from Health Department. Distance to Property Line       .

REMARKS OR  
SKETCH

CONTRACTOR'S OBLIGATION TO APPLICANT: Dimensions and distances from at least 2 points (shown in sketch above) given to owner. Yes       . No       . Work completed? Yes        No         
Date       .

Contractor's Signature        Date

**SEWAGE DISPOSAL CONSTRUCTION PERMIT**  
Chemung County Department of Health  
Heritage Park, Elmira, N.Y. 14901

For Full Gospel Church of Catlin Center, RD#2, Chambers Road, Beaver Dams, New York

Location Cor. of Chambers Road & Backer Road

Town of Catlin

In accordance with the requirements of the Chemung County Health Department, you are hereby granted permission to construct a private sewage disposal system at the above location in accordance with this permit and any sketches or detail and conditions herein or previously provided.

The applicant agrees that the County of Chemung and its employees shall not be liable to the owner or any other person for any act or omission of any employee of County Health Department and agrees to hold the County of Chemung free and harmless for any failure of the sewage system or for liability that may occur as a result of the design, construction and operation of the sewage system approved for construction by this permit. The applicant has the option of retaining a professional engineer of his choice to design the sewage system being considered. The applicant, in executing his application for this permit, has elected to adopt the sewage system design developed by him, or his contractor with the help of the Health Department, as his own design and has decided not to consult or have the same designed or reviewed by his engineer.

The applicant has the option of refusing said permit based upon the particular design. If the applicant selects this option, he is required to submit to the County Health Department for approval a plan prepared by a professional engineer for the same. On June 15, 1976 the State Health Department changed the rules and regulations governing individual sewage disposal systems. In some cases, particularly with replacement sewage systems, it may be impossible to comply with these new rules and regulations. In these cases, the County Health Department will attempt to issue a permit which will reflect the best possible design with the lot size available.

**IMPORTANT REQUIREMENTS:** The installation upon completion and PRIOR TO COVERING must be inspected by this Department. At least 24 hours prior notice is required before final inspection. If this project is not completed within one year from date hereof, or extension granted, this permit shall become null and void.

All household liquid wastes including bathroom, kitchen and laundry wastes must be disposed of through this installation.

Roof leaders, cellar or footing drains and wastes from water softening units must be entirely separate from the sewage disposal system and must be located at least 20 feet from the sewage disposal area. Softening wastes shall be kept 50 feet from any water supply well and should bypass the septic tank.

The proposed water supply must be located according to the Health Department specifications.

This permit in no way negates local municipal zoning or building requirements.

James E. Barr  
Environmental Health Services

7/3/79  
Date

Stanley Holland, M.P.H.  
Public Health Administrator

**IMPORTANT INFORMATION:** In order to insure the life of your sewage system, the septic tank should be cleaned every 2 to 4 years depending on usage and the amount of solids discharged to the system. Septic tanks are best cleaned in the warmer seasons to insure rapid recovery of bacterial activity. It is recommended that the owner or contractor make a sketch with dimensions so the system parts can be located in the future. Normal use of household detergents and chemicals will not harm your sewage system. We urge you to avoid the use of so-called septic tank cleaners or conditioners as they have not been shown to be beneficial and may actually harm the system by flushing solids from the septic tank into the seepage pit, tile field or sand filter.



**TOWN OF CATLIN PLANNING BOARD  
RESOLUTION 06-19**

Motion by: J. Plate

Seconded by: J. Maroney

**WHEREAS**, Elmira Structures has applied for a Site Plan Review for the Full Gospel Church at 683 Backer Road, and

**WHEREAS**, A SEQR is required to be completed. The Catlin Planning Board and applicant completed a Short Environmental Assessment Form. The following items were considered:

1. The project is an extension of an existing Non-conforming Use and Structure from Article 11 of the Catlin Zoning Local Law. The extension is a Type II action not requiring a SEQR review. A Site Plan Review of the Church by Articles 4 and 11 of the Catlin Zoning Local Law is required due to the proposed extension. The Site Plan Review will be considered an Unlisted Action for SEQR purposes.
2. The Short Form Environmental Assessment Parts 1, 2, and 3 are attached to this Resolution.

now, therefore, be it

**RESOLVED**, That the Planning Board accepts the completed Short Environmental Assessment Form with a determination that the proposed action will not result in any significant adverse environmental impact, and

**RESOLVED**, That copies of this resolution be provided to the applicant and Town Clerk.

(Results): Ayes: J. Maroney, W. Clack, J. Wakeman, J. Plate, and B. Lucas  
Nays: None

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
FULL GOSPEL CHURCH OF CATLIN			
Name of Action or Project:			
Addition to Existing Church			
Project Location (describe, and attach a location map):			
683 Bacher RD Beaver Dams, N.Y. 14812			
Brief Description of Proposed Action:			
Addition FOR SANCTUARY $\approx$ 3,200 SF			
Name of Applicant or Sponsor:		Telephone: 607-739-8800	
Elmira Structures, INC.		E-Mail: K.R.H@elmirastructures.com	
Address:			
66 Philo Rd. West			
City/PO:		State:	Zip Code:
Elmira		NY	14903
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 may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			<input checked="" type="checkbox"/> <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		6.39 acres	
b. Total acreage to be physically disturbed?		.5 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		6.39 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations? <i>by Site Plan Review</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<div style="border-bottom: 1px solid black; padding-bottom: 5px;">existing Drainage</div>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  <div style="display: flex; justify-content: space-between;"> <div>             Applicant/sponsor/name: <u>Kirk M. Ureselmeier</u>              Signature: _____           </div> <div>             Date: <u>8/15/19</u>              Title: <u>PE</u> </div> </div>		

## Short Environmental Assessment Form

### Part 2 - Impact Assessment

**Part 2 is to be completed by the Lead Agency.**

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Full Gospel Church Site

Date: 08/15/2019

### Short Environmental Assessment Form

#### Part 3 Determination of Significance

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.

Item 5, This action will increase the possible size of the congregation, it is not anticipated that the daily use will have a significant change.

Items 7(a,b), The action will be reviewed by the Chemung County Health Department to have new or revised permits issued as needed.

Item 8, The action will use an exterior color that will closely match the aesthetics of the existing building.

- ☐ 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.

Town of Catlin Planning Board

08/15/2019

Name of Lead Agency

Date

James Plate

Planning Board Chairman

Print or Type Name of Responsible Officer in Lead Agency

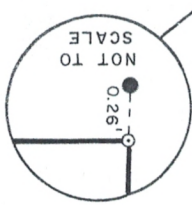
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

"ADAM & DENISE WEAD"  
CONTROL #200309290100  
(SEE CASE MAP 3392)

"BRIAN DANIEL KECK"  
FICHE 589, PAGE 52d



293.79' PIN TO PIN  
S 81°38'05"E

S 81°38'33"E → 331.29' TO C

ROAD

509°05'18"W  
314.35'

CHAMBERS

MURPHY HILL ROAD

ROAD

→ N 80°51'26"W

530.51'

PARKING  
MACADAM

ROOF  
OVER  
U.G.  
BLDG.

1 STY.  
CHURCH  
BLOCK

STEPS

PAVILION

78.2'

ADDITION

PORCH

L. 377, P. III

OUT  
BLDG.

SHED

L. 659, P. 812  
(SECOND PARCEL)

L. 659, P. 812  
(FIRST PARCEL)

GAR. 11.0'  
GRAV. 3.1'

GARAGE

GRAVEL DRIVE

314.35'

509°05'18"W

120.00'

25.00'

- POLE
- CENTERLINE
- COMPUTED POINT
- PIPE FOUND
- IRON PIN FOUND
- IRON PIN SET

LEGEND



DEED NO. 812 & 813  
L. 659, P. 812



## Chemung County Planning Board

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

(607) 737-5510

[www.chemungcountyny.gov](http://www.chemungcountyny.gov)  
[planning@co.chemung.ny.us](mailto:planning@co.chemung.ny.us)

Referral Number

For office use only

### Chemung County Planning Board – Municipal Referral Form

(Please complete all information on both pages)

Referring Municipality: ☐ City ☒ Town ☐ Village of Horseheads

Referring Official: Cathy Wood Title: Planning Board Secretary

Address: 150 Wygant Rd. Horseheads, NY 14845

Phone Number: (607) 739-8783 E-mail: cwoode@townofhorseheads.org

Referring Board (check appropriate box): ☐ Legislative Board ☐ ZBA ☒ Planning Board

Petitioner(s): Kari Rico Phone: (607) 536-0679

Petitioner's Mailing Address: 189 Wygant Rd Horseheads NY 14845 E-mail: kariyrczak@gmail.com

Location of Property: 189 Wygant Rd. Horsehead NY 14845

Tax Map Parcel Number(s): 49.01-3-23

Current Zoning District: Res-A

#### 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):

Requesting a new attached garage be built 20.25' from left side of property line.

**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): CR 21

☐ (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		
Zoning Board of Appeals	9-3-19	
Planning Board/Planning Commission		8-7-19
City Council		

*Req. Recommendation*

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

**"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)

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

#472

RECEIVED

JUL 22 2019

TOWN CLERK'S OFFICE

**TOWN OF HORSEHEADS**  
**APPLICATION FOR AN AREA VARIANCE/INTERPRETATION**

150 WYGANT ROAD  
HORSEHEADS, NY 14845

APPLICANT: Kari Rice189 Wygant RdHorseheads

STATE

NY

ZIP

14845PHONE# 607-536-0679

FAX#

EMAIL ADDRESS: Karicyrczak@gmail.comPROPERTY NAME AND LOCATION: 189 Wygant Rd, Horseheads,  
NY 14845TAX MAP# 49.01-3-23ZONING DISTRICT: RES-A

PROVISIONS OF THE ZONING CHAPTER TO BE APPEALED:

CHAPTER: 204ARTICLE: 22SECTION: C

CHAPTER: \_\_\_\_\_

ARTICLE: \_\_\_\_\_

SECTION: \_\_\_\_\_

REASON FOR REQUEST: Requesting that new attached garage  
be built 30.35' from left side of property line.

INTERPRETATION OF THE ZONING ORDINANCE IS REQUESTED

BECAUSE: if garage is moved over any amount (even 3') in  
front of the house, it will cover too much of the  
front of the house and there will not be enough  
room to park in front of the new garage. This will  
make the curb appeal awful. I'm trying to improve  
my house and property value and appearance. The  
house was built 6.85' from the right side of the property  
creating the zoning laws so that I cannot build 20'  
from the other side because it won't total 30'. That's  
what I was told by Code enforcement. The garage will  
not respect either property line, however, it will improve the property

AN AREA VARIANCE IS REQUESTED FOR :

1. PRACTICAL DIFFICULTIES IN COMPLYING WITH THE ZONING ORDINANCE.


It will look awkward if I move the garage over 3'. Making the curb appeal look bad and not able to park a truck in the driveway. Also blocking the front of the house. The right property line is 16.85' and already established. There's no way to increase that space. We want to build all the way on the other side of my property not affecting either property line.

2. THE VARIANCE WOULD OBSERVE THE SPIRIT AND THE INTENT ON THE ZONING ORDINANCE.

I want to increase the value of my house and make it more desirable for future buyers and increase assessments in the neighborhood.

3. THE GRANTING OF THE VARIANCE WILL NOT BE A DETRIMENT TO THE PUBLIC INTEREST OR THE CHARACTER OF THE AREA.

My goal is to add square footage of garage and work-space along with storage. Also add value and interest to future buyers and also increase neighborhood assessments and equity. The right property line will not be disturbed and is already established.

APPLICANT'S SIGNATURE: 

WITNESS: \_\_\_\_\_

OWNER: (IF DIFFERENT) \_\_\_\_\_

DATE: 7/23/19

The application must be accompanied by a SEQR form, siteplan/survey map, guarantee of payment and applicable fees.

617.20  
Appendix B  
Short Environmental Assessment Form

#972

RECEIVED

JUL 22 2019

TOWN CLERK'S OFFICE

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.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: <i>New Attached Garage</i>			
Project Location (describe, and attach a location map): <i>189 Wygant Rd, Horseheads, NY 14845</i>			
Brief Description of Proposed Action: <i>New attached garage 20.25' from left of property line and 40' back from front of property line. 30' x 28' garage attached.</i>			
Name of Applicant or Sponsor: <i>Kari Rice</i>		Telephone: <i>607 536 0679</i>	
Address: <i>189 Wygant Rd</i>		E-Mail: <i>kari.cyrzak@gmail.com</i>	
City/PO: <i>Horseheads</i>		State: <i>NY</i>	Zip Code: <i>14845</i>
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 may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			✓
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO YES
If Yes, list agency(s) name and permit or approval:			✓
3.a. Total acreage of the site of the proposed action?		<i>3' x 30' = .0004 acres</i>	
b. Total acreage to be physically disturbed?		<i>28' x 30' = .0008 acres</i>	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.449 acres</i>	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			✓
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	✓
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	✓
8. 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 action?			✓
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: _____	NO	YES	✓
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: <u>N/A</u>	NO	YES	✓
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	✓
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	✓
b. Is the proposed action located in an archeological sensitive area?			✓
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?	NO	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: _____			✓
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	✓
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? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	✓
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____			

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, explain purpose and size: _____	NO	YES
	✓	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	✓	
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	YES
	✓	
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Don K Rice</u> Date: <u>7/9/19</u> Signature: _____		

**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)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental 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

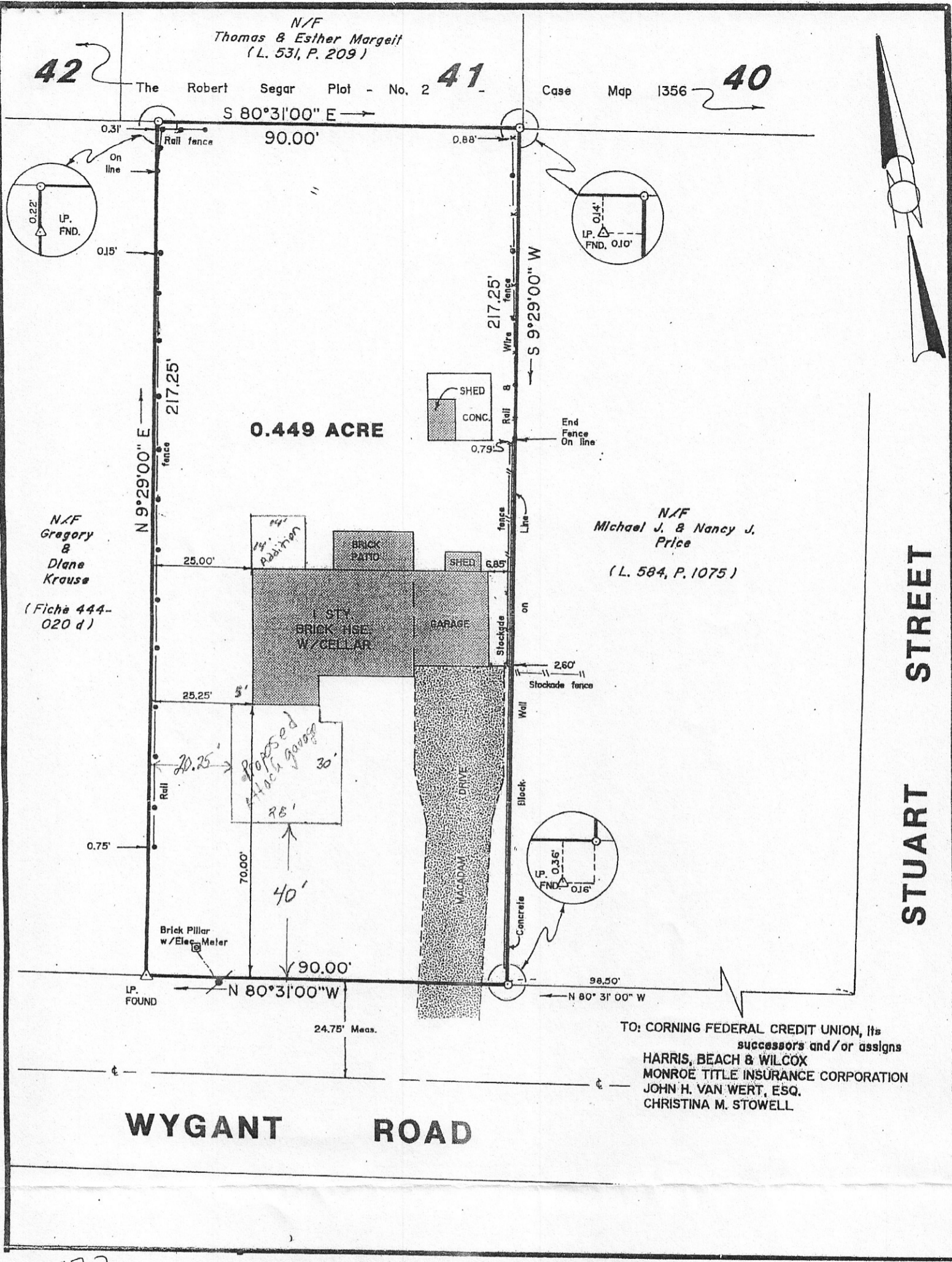
\_\_\_\_\_  
Date

\_\_\_\_\_  
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)



#872  
**RECEIVED**  
 JUL 22 2019  
 TOWN CLERK'S OFFICE  
 "A"  
 DATE OCT. 2, 1996  
 REVISED

MAP OF LANDS BEING CONVEYED FROM  
**JOSEPH G. DANNA**  
 TO  
**CHRISTINA M. STOWELL**  
 LOCATED AT  
**189 WYGANT ROAD**  
 TOWN OF HORSEHEADS  
 CHEMUNG COUNTY  
 NEW YORK

Scale 1" = 30'



## Chemung County Planning Board

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

(607) 737-5510

[www.chemungcountyny.gov](http://www.chemungcountyny.gov)  
[planning@co.chemung.ny.us](mailto:planning@co.chemung.ny.us)

Referral Number

For office use only

### Chemung County Planning Board – Municipal Referral Form

(Please complete all information on both pages)

Referring Municipality: ☐ City ☒ Town ☐ Village of Horseheads

Referring Official: Cathy Wood Title: Planning Board Secretary

Address: 150 Wygant Rd. Horseheads, NY 14845

Phone Number: (607) 739-8783 E-mail: cwoode@townofhorseheads.org

Referring Board (check appropriate box): ☐ Legislative Board ☐ ZBA ☒ Planning Board

Petitioner(s): Kim Carlin + Gayle Parsons Phone: (607) 738-4257

Petitioner's Mailing Address: 1039 Breesport Rd. Erin, NY 14838 E-mail: \_\_\_\_\_

Location of Property: 625 Breesport Rd. + 81 Jackson Creek Rd.

Tax Map Parcel Number(s): 073489 51.00-2-4.3 + 073489 51.03-1-1.2

Current Zoning District: TH02 Residence

Proposed Action: (check all that apply)

- |  |  |
|--|--|
| <input type="checkbox"/> Area Variance                           | <input type="checkbox"/> Subdivision Review    |
| <input type="checkbox"/> Use Variance                            | <input checked="" type="checkbox"/> Rezoning   |
| <input type="checkbox"/> Site Plan Review                        | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Special/Conditional Use Permit          | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Comprehensive Plan Adoption / Amendment | <input type="checkbox"/> Moratorium            |
| <input type="checkbox"/> Other (please specify): _____           |  |

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

Requesting re-zoning to PUD. Would like to open Farmer's Market/Crafters Market at 625 Breesport Rd. Would like to open an Event Center at 81 Jackson Creek Rd.

**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): CR 223
- ☐ (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		6/12/19
Zoning Board of Appeals		
Planning Board/Planning Commission		7/3/19, 8/7/19, 9/4/19
City Council		

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

**"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)

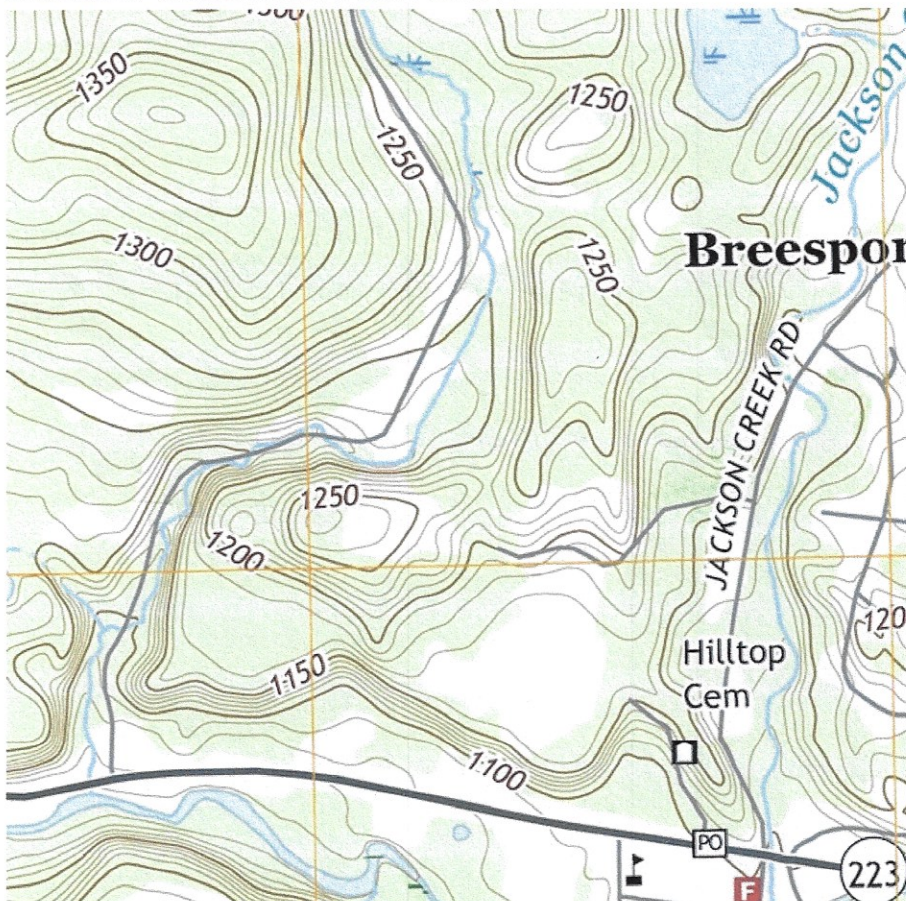
**Deadline: Please submit completed referrals by close of business 10 business days prior to the Chemung County Planning Board meeting.**

# PRELIMINARY PROPOSAL — PLANNED UNIT DEVELOPMENT 625 BRESPOUR RD. / 81 JACKSON CREEK RD.

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## (1) EXISTING TOPOGRAPHIC CHARACTER OF THE LAND

- OUTSIDE EDGES OF BOTH PROPERTIES ARE PREDOMINATELY TREED. (MOST OF THIS WOULD STAY WITH MINIMAL CLEARING FOR PARKING AND WALKING TRAILS.)
- ENTRANCE FROM BRESPOUR RD. IS HILL UP TO TOP OF DRIVEWAY THEN OPENS UP TO CLEARING WHICH IS FAIRLY LEVEL. (SOME GRADING WILL BE DONE TO LEVEL FOR BUILDINGS.)
- SMALL GROUPS OF 2 OR 3 TREES SPORADICALLY THROUGH OPEN AREAS. (MOST OF THESE WILL STAY FOR SHADY AREAS.)
- LAND GENTLY SLOPES UP FROM BRESPOUR RD. UP TO AND INCLUDING JACKSON CREEK RD. PROPERTY.



#871  
"B"

RECEIVED

AUG 13 2019

TOWN CLERK'S OFFICE

## **PRELIMINARY PROPOSAL — PLANNED UNIT DEVELOPMENT 625 BREESPORT RD. / 81 JACKSON CREEK RD.**

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(2-4) EXISTING AND PROPOSED LAND USES, APPROXIMATE LOCATIONS OF BUILDINGS AND ROADS & EXISTING LAND USES ADJACENT TO PROPOSED PUD.

- BOTH PROPERTIES ARE CURRENTLY VACANT LAND WITH NO UTILITIES, PREVIOUSLY USED AS GRAVEL PITS. PROPOSED USE:  
**625 BREESPORT RD.** – FARMER’S MARKET AND CRAFTER’S MARKET WITH PICNIC AREAS, SITTING AREAS, REST ROOMS AND PARKING AREAS, FOCUSING ON BEING VERY FAMILY ORIENTED.  
**81 JACKSON CREEK RD.** – EVENT CENTER FOR WEDDINGS / CORPORATE EVENTS, ETC. WITH EXTENSIVE LANDSCAPING DONE TO ENSURE MULTIPLE ATTRACTIVE PHOTO OPPORTUNITIES.
- ATTACHED MAP SHOWS PROPOSED BUILDINGS, PARKING, ROADS, AND RESTROOM FACILITIES FOR BOTH PROPERTIES.
- EXISTING LAND USES ADJACENT TO PROPOSED PUD SHOWN ON MAP, RESIDENCES AND VACANT LAND.

# PRELIMINARY PROPOSAL — PLANNED UNIT DEVELOPMENT 625 BREESPORT RD. / 81 JACKSON CREEK RD.

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(2-4 CONTINUED) EXISTING AND PROPOSED LAND USES, APPROXIMATE LOCATIONS OF BUILDINGS AND ROADS & EXISTING LAND USES ADJACENT TO PROPOSED PUD.



# **PRELIMINARY PROPOSAL — PLANNED UNIT DEVELOPMENT 625 BREESPORT RD. / 81 JACKSON CREEK RD.**

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## **(B) EXPLANATION OF CHARACTER OF PLANNED UNIT DEVELOPMENT**

### **EVENT CENTER:**

- WILL CATER TO MOSTLY WEDDINGS WHICH ARE HELD PREDOMINATELY ON WEEKENDS.
- QUIET, COUNTRY ATMOSPHERE WILL BE DEVELOPED FOR BEAUTIFUL PHOTO OPPORTUNITIES
- WALKING TRAILS

### **FARMER'S / CRAFTER'S MARKET:**

- WILL BE SEASONAL AND WILL OPERATE 3 DAYS PER WEEK.
- FRIENDLY, COUNTRY ATMOSPHERE CATERING TO THE WHOLE FAMILY.
- LOCAL GROWERS AND CRAFTSMEN FIND AN OUTLET AND VISITORS FIND A LARGE VARIETY OF QUALITY GOODS, SOMETHING FOR EVERYONE.

## **(C) STATEMENT OF PROPOSED FINANCING**

- NO FINANCING WILL BE NEEDED FOR PURCHASE OF LAND, BRINGING UTILITIES TO THE PROPERTY, GRADING PROPERTY AS NEEDED FOR BUILDINGS AND PARKING, PUTTING IN NEEDED ROADWAYS, NEEDED ENGINEERING FIRM SERVICES AND INITIAL LANDSCAPING NEEDED.
- FINANCING WILL BE USED FOR BUILDING EVENT CENTER AND FIRST BUILDING (POLEBARN WITH POURED CONCRETE FLOOR) FOR FARMER'S / CRAFTER'S MARKET (WILL OPEN WITH ONE BUILDING AND ADDITIONAL BUILDINGS WILL BE ADDED AND UPGRADED). INITIAL FINANCING ESTIMATED TO BE \$200,000.
- FARMER'S / CRAFTER'S MARKET MAY OPEN BEFORE THE EVENT CENTER OPENS.

**PRELIMINARY PROPOSAL — PLANNED UNIT DEVELOPMENT  
625 BREESPORT RD. / 81 JACKSON CREEK RD.**

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(D) STATEMENT OF PRESENT OWNERSHIP OF ALL LAND INCLUDED  
WITHIN THE PROPOSED DEVELOPMENT

- BOTH PARCELS ARE PRESENTLY OWNED BY DALRYMPLE GRAVEL AND CONTRACTING COMPANY, INC. A SIGNED PURCHASE AGREEMENT BETWEEN SELLER - DALRYMPLE GRAVEL AND CONTRACTING COMPANY, INC. AND BUYERS - GAYLE PARSONS AND KIM CARLIN EXISTS WITH THE CONTINGENCY THAT THE ZONING ON BOTH PARCELS IS CHANGED TO COMMERCIAL. CLOSING WILL TAKE PLACE IF ZONING CHANGE IS GRANTED.

(E) GENERAL INDICATION OF EXPECTED TIMETABLE FOR DEVELOPMENT

- UPON ZONING CHANGE AND CLOSING ON PROPERTIES, WEATHER PERMITTING AND IF APPROVALS GIVEN, GRADING AND LEVELING COULD BE ACCOMPLISHED BEFORE COLD WEATHER SETS IN.
- IF FINAL DEVELOPMENT PLAN IS APPROVED OVER THE WINTER, GOAL WOULD BE TO OPEN FARMER'S / CRAFTER'S MARKET WITH ONE BUILDING, UTILITIES, ADEQUATE RESTROOMS AND PARKING BY JULY 2020 AND EVENT CENTER BY SEPTEMBER 2020.

(F) STATEMENT AS TO PRESENT AND FUTURE OWNERSHIP OF THE  
PROPERTY, ULTIMATE OWNER OF DEVELOPMENT AND PROPOSED  
APPLICATION FOR TAX-EXEMPT STATUS.

- DEVELOPMENT WILL BE OWNED BY GAYLE PARSONS AND KIM CARLIN ALTHOUGH WE MAY DECIDE TO BECOME AN LLC. WE WILL NOT BE APPLYING FOR TAX-EXEMPT STATUS.

(G) OTHER ELEMENTS INTEGRAL TO THE PROPOSED DEVELOPMENT  
CONSIDERED NECESSARY BY TOWN BOARD AND/OR PLANNING BOARD –  
NONE AT THIS TIME.