



Friday, May 22, 2020

Chemung County Planning Board

Chemung County Commerce Center
400 East Church Street
P.O. Box 588
Elmira, NY 14902-0588
607-737-5510

www.chemungcountyny.gov/planning

planning@co.chemung.ny.us

Chemung County Planning Board Municipal Referral Form

Instructions For Filling Out This Form:

To begin, click on each of the tabs below (Referral Information, Petitioners, etc.) to enter your information. When done, click on the Preview Your Form button (in the "Full Statement" Checklist tab), and when satisfied, click the Submit Your Form button. You will receive a confirmation email of your Municipal Referral Form for your records.

*** = Required Field**

Referring Municipality:	City
City/Village/Town:	Elmira
Referring Official:	John J. Ryan, Jr.
Title:	Corporation Counsel
Address:	317, East Church Street Elmira, NY, 14901
Phone Number:	(607) 737-5674
Email Address:	jryan@cityofelmira.net
Referring Board:	Legislative Board
How Many Petitioners? (up to 4):	1
Petitioner 1 Name:	Elmira City of

Petitioner 1 Address: 317, E Church Street
Elmira, NY, 14901

Petitioner 1 Phone Number: (607) 737-5644

Petitioner 1 Email Address: mikecollins@cityofelmira.net

Location of Property: Multiple parcels in City's current Central Business District

Tax Map Parcel Number(s): Central Business District

Current Zoning District: Central Business District

Please select the proposed action(s) from the drop-down menu below.

Proposed Action(s):

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

Adoption of proposed Appendix B-1 titled "City Center Form-Based Code" (CCFBC) to the City Zoning Ordinance. The purpose of the CCFBC is to provide regulatory standards governing building form and related urban design principles for development/redevelopment projects in the current Central Business District. Attached is a list of proposed changes to the City's existing Zoning Ordinance (Appendix B).

Upload Detailed Narrative?

Upload detailed narrative file(s):  city of elmira zoning updates for referral form...

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

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

(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):

State Routes 14 and 352 (Clemens Center Parkway and Church Street)

Please Select Which Board(s):

Board: Town Board/Village Board of Trustees

Board: Zoning Board of Appeals

Board: Planning Board/Planning Commission

How many Prior and Future Meeting Dates?

Action Taken on This Application (reviewed, approved, discussed, etc.):

Public Hearing Dates and Meeting Dates (prior and future) to be determined due to COVID-19

Board: City Council

How many Prior and Future Meeting Dates?

0

As defined in NYS General Municipal Law §239-m (1)(c), please make sure you have attached the following required information with your referral, as appropriate.

There is nothing to be filled out on this tab.

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)

Please submit this form (along with attachments) by the close of business 10 days prior to the Chemung County Planning Board meeting.

Verified

Verified

May 11, 2020

**AMENDED
RESOLUTION
NO. 2020 - 142**

By Councilmember Stermer:

WHEREAS, as part of the Downtown Revitalization Initiative (DRI), a study of the zoning presently in effect around the City's DRI boundary has been conducted resulting in a proposed downtown zoning update (City-Center Form Based Code); and

WHEREAS, it is proposed that the certain Articles and Sections of the current City Zoning Ordinance be repealed, that other current Sections be amended, and that Appendix B-1 of the Zoning Ordinance be added to establish a City-Center Form Based Code; and

WHEREAS, pursuant to Section 1110 of the Zoning Ordinance and by Resolution No. 2020-92 dated March 16, 2020, the proposed revisions and additions were referred to the City Planning Commission for its review and recommendation; and

WHEREAS, pursuant to Section 1120 of the Zoning Ordinance, the proposed revisions and additions must be referred to the Chemung County Planning Board for its review and recommendation;

NOW, THEREFORE, BE IT

RESOLVED, that the City Council of the City of Elmira, New York does hereby refer the proposed Zoning revisions and deletions to the Chemung County Planning Board for its review and recommendation.

ADOPTED BY UNANIMOUS VOTE

AYES		NAYS
X	Councilmember Stermer	
X	Councilmember Moss	
X	Councilmember Franchi	
X	Councilmember Kitching	
X	Councilmember Grasso	
X	Councilmember Duffy	
X	Mayor Mandell	
7		0



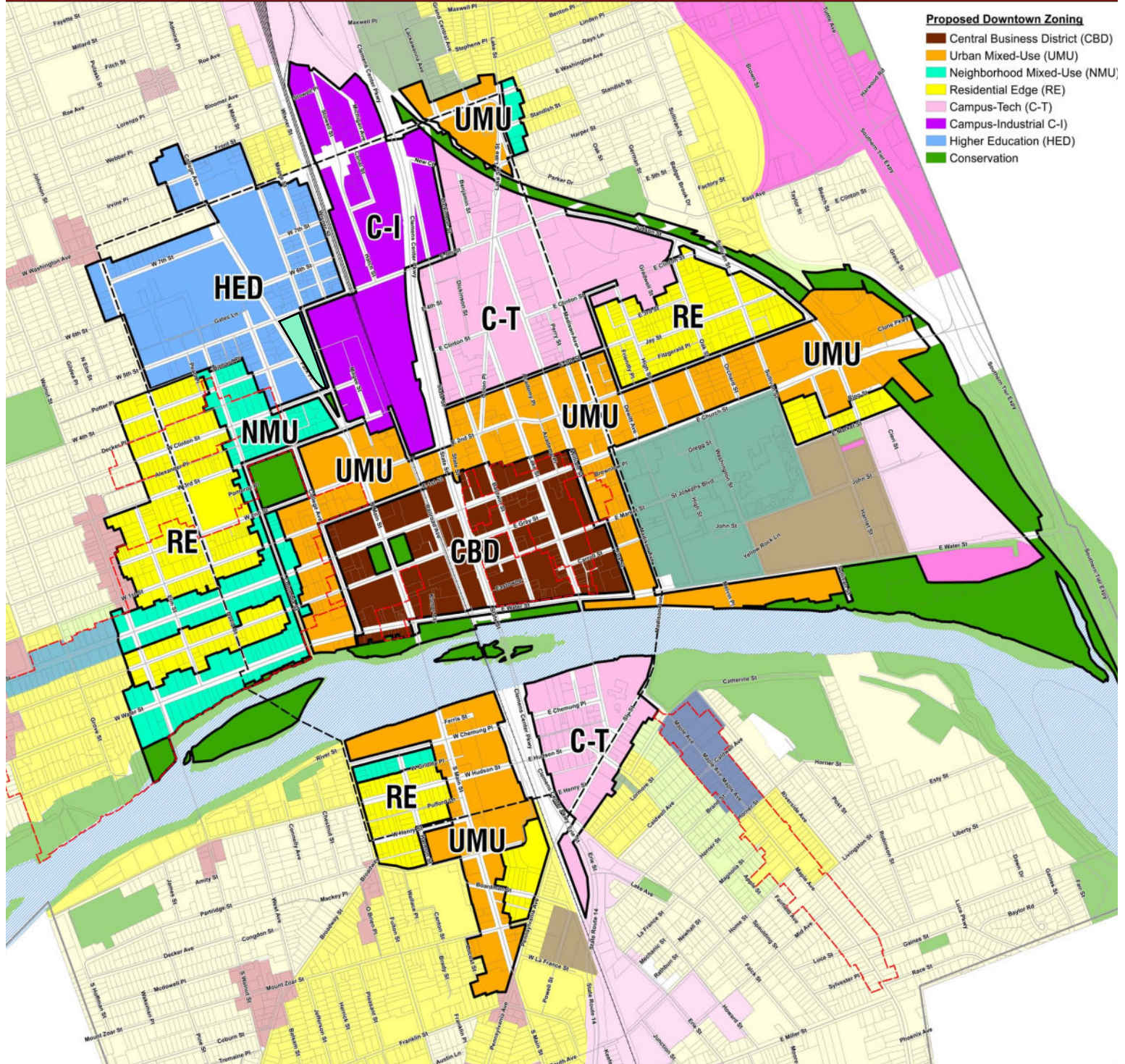
DRAFT

City of Elmira Zoning

City-Center Form Based Code

Prepared for the City of Elmira, NY

Date: December 27, 2019



Prepared By:



City of Elmira
Downtown (DRI) Zoning Update
City-Center Form Based Code
DRAFT For Discussion Purposes Only
December 27, 2019

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I. Introduction

The regulations and review procedures for the zoning districts within and around the Elmira Downtown Revitalization Initiative (DRI) boundary were assessed for their effectiveness in fostering new and infill development that is consistent with the redevelopment and revitalization efforts of Elmira's downtown area. These downtown revitalization goals aim to promote infill development in vacant areas, increase the renovation of existing buildings, create economic incentives for businesses to locate in the downtown area, and improve walkability and the sense of place.

In order to realize these goals a form-based code was developed and incorporated into the City of Elmira Zoning Ordinance. Form-based zoning utilizes graphics to explain what the desired form and appearance of development should be—with an eye toward creating beautiful places—and a streamlined development review process which encourages revitalization and redevelopment.

The following provisions serve as Appendix B-1 ("City Center Form-Based Code" or "CCFBC") of the Appendix B Zoning of the City of Elmira Code of Ordinances.

II. Purpose and Intent

The purpose of the City-Center Form-Based Code is to provide regulatory standards governing building form and related urban design principles for new development and redevelopment projects in the DRI area of Elmira. These standards are intended to ensure that proposed development is consistent with the vision, goals and objectives of the *City of Elmira Comprehensive Plan* and other City planning and development initiatives. Downtown is the City's financial, entertainment, governmental and institutional center for public services, social activity and employment. As such, the intent of the CCFBC is to maintain the distinctive character of the Central Business District and the areas surrounding to enhance relationships between buildings and streets and other public spaces by considering their visual compatibility.

III. Guiding Principles

The establishment of these standards is based upon several guiding principles to:

- i. Implement the *City of Elmira Comprehensive Plan*;
- ii. Protect and reinforce the unique and historic character of the Central Business District (CBD);
- iii. Encourage adaptive reuse and desirable forms of development at infill locations and underutilized properties;
- iv. Re-establish walkability and strengthen the historic circulation patterns of walkable areas;
- v. Encourage reinvestment and revitalization by promoting mixed-use development;
- vi. Discourage less compatible suburban styles of development in the Downtown;
- vii. Enhance the visual character and quality of the public realm and improve pedestrian comfort; and

- viii. Promote diversity and compatibility in the design and use of urban buildings and public spaces.

IV. Applicability

This ordinance applies to all buildings and the interface of buildings with the public realm and public realm amenities within the boundaries of the districts created below. All of the provisions of Appendix B Zoning of the City of Elmira Code of Ordinances shall apply except where modified by the following provisions. In the case of any conflict between the two the following shall prevail.

V. Definitions

Refer to Appendix B Zoning of the City of Elmira Code of Ordinances.

VI. City Center Form-Based Districts

A. City Center Form-Based Code Zoning Map

The zoning districts are bounded and defined as shown on the “City Center Form-Based Code Map” which accompanies this City Center Form-Based Code and which, with all explanatory matter thereon, is hereby incorporated by reference.

B. District Intent

1. Central Business District (CBD)

Highest density district with the greatest variety of uses including buildings of regional importance. New infill development should reinforce the urban character and respect the historic buildings. The CBD contains some of the most important landmarks, civic places and historic sites in Elmira.

2. Urban Mixed-Use (UMU)

The Urban Mixed-Use areas are generally located between the CBD and residential neighborhoods where land use transitions from intense urban business to lesser intense residential and compatible non-residential uses that begin to exhibit characteristics of urban/suburban areas with obvious changes in building types, architectural styles, lot sizes and pedestrian activity.

3. Neighborhood Mixed-Use (NMU)

Vibrant neighborhoods that allow for a mix of residential and commercial services, parks and community facilities. This district reflects the walkable and historic nature of Elmira’s neighborhoods with smaller scale commercial uses. The Neighborhood Mixed-Use District contains portions of the Near Westside Historic District along the major thoroughfares of Church and Water Streets and along Columbia Street as a connection to Elmira College. Development and revitalization of housing and the preservation of historic structures is critical to the quality of life in this district.

4. Residential Edge (RE)

Vibrant neighborhoods that allow for a mix of residential dwelling unit types, limited commercial services, parks and community facilities. This district reflects the walkable and historic nature of Elmira's neighborhoods. The Residential Mixed-Use District contains portions of the Near Westside Historic District. Development and revitalization of housing and the preservation of historic structures is critical to the quality of life in this district.

5. Campus TECH (C-T)

Campus TECH is intended for the re-use of existing and development of new institutional and campus type facilities. The layout of such parcels and buildings requires a flexible approach to redevelopment that respects the unique characteristics of the parcel and the surrounding neighborhoods.

6. Campus IND (C-I)

A district designed to diversify and strengthen the local economic base by allowing for light manufacturing, assembly and fabrication including small scale or specialized industrial operations, office and research related activities and general retail. External effects should not be perceived outside the district.

C. Permitted Uses

- A. The accompanying Use Table lists the permitted uses of land and buildings and the standards and requirements applying to such uses for the various zoning districts. Only those uses specifically listed for each district are permitted by right, site plan review, or subject to issuance of a special permit.
- B. All uses that require site plan approval shall be considered a Major Project pursuant to Appendix B Zoning of the City of Elmira Code of Ordinances.
- C. For uses that require site plan and special permit review procedures refer Appendix B Zoning of the City of Elmira Code of Ordinances Articles X and VII respectively.
- D. All uses allowed as a principal uses are allowed as accessory uses.
- E. If a use is not listed it is prohibited.
- F. The accompanying tables are herewith incorporated as a part of this chapter.

a. RESIDENTIAL	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Attached Single-Family	P	P	P	P	P		
Detached Single-Family	P	P	P				
Two-Family	P	P	P	P	P		
Multi-Family (3-or-4 Family)	P	P	P	P	P		
Apartment Building	S	S	S	S	S		
Dwelling Unit [Accessory]	P	P	P	P	P		X
Community Residential Facility			SP	SP	S		X
Home Occupation, Category I	SP	SP	P	P	P		X
Home Occupation, Category II	SP	SP	P	P	P		X
Live-Work Unit	P	P	P	P	P		X
Residential Antennas/Satellite Dishes (> 3 feet)	SP	SP	SP	SP	SP		X
b. LODGING	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Bed and Breakfast (up to 5 rooms)	SP	SP	P	P	SP		X
Inn (up to 12 rooms)		S	S	P	P		
Hotel/Motel (no room limit)			S	S	S		
Nursing Home	SP	SP	S	S	S		X
Boarding, Lodging, Rooming House	SP	SP	SP				X
Short-Term Rental	SP	SP	SP	SP	SP		X

DISTRICT	
RE	Residential Edge
NMU	Neighborhood Mixed-Use
UMU	Urban Mixed-Use
CBD	Central Business District
C-T	Campus-Tech
C-I	Campus-Industrial
KEY TO SYMBOLS	
P	Allowed By Right
S	Allowed By Site Plan Review
SP	Allowed By Special Permit and Site Plan Review
BLANK	Not Allowed

c. COMMERCIAL	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Amusement, Recreation, Entertainment, Indoor			S	S	S	S	
Amusement, Recreation, Entertainment, Outdoor					SP	SP	X
Micro Brewery			P	P	P	P	
Bar/Restaurant		SP	S	P	S		X
Nightclub			S	S	S	P	
Bank or Financial Institution			P	P	P		
Drive-Thru [Accessory]			P	P	P		
Outdoor Café [Accessory]		SP	P	P	P		X
Adult Care Facility		SP	SP	SP	SP		X
Nursery School/Day Care Center	S	S	S	SP	S		X
Day Care, Family Home	P	P	P	P	P		
Funeral Home		SP	S	S	S	S	X
Neighborhood Retail (≥ 2,500 s.f. < 4,000 s.f.)		S	S	S	S		
General Retail (≥ 4,000 s.f.)			S	S	S		
Personal Service Establishment		S	P	P	P		
Shopping Center			S	S		P	
Mixed Commercial/Residential Use (other than Home Occupations)		S	S	S	P	P	
Office, General Business		S	S	S	S	P	
Health/Sport Club			S	S	S	S	
Private Club		S	S	S	S	P	
Vending Lot		SP	SP	SP	P	P	X
Commercial Antennas /Satellite Dishes (> 3 feet)	SP	SP	SP	SP	SP	SP	X

DISTRICT	
RE	Residential Edge
NMU	Neighborhood Mixed-Use
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CBD	Central Business District
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KEY TO SYMBOLS	
P	Allowed By Right
S	Allowed By Site Plan Review
SP	Allowed By Special Permit and Site Plan Review
BLANK	Not Allowed

City Center Form-Based Code
Elmira, NY DRI Zoning Update

d. AUTOMOTIVE	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Motor Vehicle Sales, Rental, Storage and/or Repairs			SP	SP	S	P	X
Car Wash			SP		SP	S	X
Convenience Store with Gasoline Sales			SP	SP	SP	SP	X
Motor Vehicle Gasoline Sales			SP	SP	SP	SP	X
Motor Vehicle Charging Station	P	P	P	P	P	P	
Commercial Parking Lot			S	S	P	P	X
Accessory Surface Lot		S	P	P	P	P	
Parking Structure			P	P	S	S	

DISTRICT	
RE	Residential Edge
NMU	Neighborhood Mixed-Use
UMU	Urban Mixed-Use
CBD	Central Business District
C-T	Campus-Tech
C-I	Campus-Industrial

KEY TO SYMBOLS	
P	Allowed By Right
S	Allowed By Site Plan Review
SP	Allowed By Special Permit and Site Plan Review
BLANK	Not Allowed

e. MUNICIPAL/CIVIC	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Cemetery	S	S	S	S	S	S	
Transit Passenger Station				P	P	P	
Health Care Clinic			S	S	P		
Institution of Higher Education			S	S	S	S	
Convention Center/Sports Arena				S	S		
Hospital			S	S	S		
Municipal Parks/Recreational Facilities	P	P	P	P	P	P	
Cultural Service Facility [Museum, Library, Art Gallery, Performance Venue]		S	P	P	P		
School, Private/Public	S	S	P	P	P		
Place of Worship	S	S	S	S	P		
Essential Services	P	P	P	P	P	P	
Emergency Services	P	P	P	P	P	P	

f. INDUSTRIAL	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Transportation/Trucking Terminal (< 20 bays)					SP	P	X
Transportation/Trucking Terminal (≥ 20 bays)						S	
Industrial Facility, Light			SP	SP	S	S	X
Research and Development Facility (and Light Assembly)			SP	S	S	S	X
Warehouse/Wholesale Distribution					S	S	
Railroad Facilities						S	
Recycling Centers and Stations						P	
Storage Yard					S	S	X
Self-Storage Units					S	S	
Wholesale Business			S	S	P	P	

DISTRICT	
RE	Residential Edge
NMU	Neighborhood Mixed-Use
UMU	Urban Mixed-Use
CBD	Central Business District
C-T	Campus-Tech
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KEY TO SYMBOLS	
P	Allowed By Right
S	Allowed By Site Plan Review
SP	Allowed By Special Permit and Site Plan Review
BLANK	Not Allowed

g. OTHER/AGRICULTURE	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Veterinary Clinic/Hospital					SP	SP	X
Animal Boarding/Kennel						SP	X
Greenhouse		S	P	P	P	P	
Urban Agriculture	P	P	P	P	P	P	X

h. ENERGY	RE	NMU	UMU	CBD	C-T	C-I	Supp Regs &/or SP
Geothermal	P	P	P	P	P	P	
Public Utility	SP	SP	SP	SP	SP	SP	X
Solar [Accessory]	P	P	P	P	P	P	X
Solar, Large Scale					SP	SP	X

VII. General Standards

A. Supplemental Regulations

The following sections from the Elmira Zoning Ordinance Article IV Supplemental Regulations do not apply in the CCFBC.

- a) Section 411 Supplementary Yard Requirements and Exceptions
- b) Section 419 Building Floor Area

The following are Supplemental Regulations for the City-Center Form Based Code

1. Accessory Dwelling Unit

- a) Only one accessory dwelling unit per single family dwelling, or one accessory dwelling unit per two family dwelling shall be permitted.
- b) Accessory dwelling units shall not be permitted on the same lot as a multi-family dwelling or apartment.
- c) The property owner shall occupy either the primary or the accessory dwelling unit as his or her primary residence.
- d) An accessory dwelling unit, whether detached or attached to a primary dwelling structure, may be directly accessed from an alley, but shall not be accessed via a driveway separate from that serving the primary dwelling structure.

2. Live-Work Unit

- a) The following only apply in the RE District
- b) Uses shall include but not be limited to studios for artists, crafters, photographers, composers, writers and other uses of similar impact and intensity.
- c) Studio uses shall be conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.
- d) Retail sales are prohibited, except the display or sale of art objects produced on site which is incidental and secondary to the studio use.
- e) Live-work space is limited to occupant(s) of the dwelling. No employees are allowed in the conduct of the profession, occupation or trade.

3. Storage Yards

- a) Prohibit.

4. Solar (Accessory)

a) **Roof-Mounted Solar Energy Systems.**

- (1) Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
- (2) Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- (3) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
- (4) Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.
- (5) Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under this ordinance.

b) **Ground-Mounted Solar Energy Systems.**

- (1) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all districts.
- (2) Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
- (3) Lot Coverage. The surface area covered by Ground-Mounted Solar Panels shall be included in total allowable lot coverage of the underlying district.
- (4) All such Systems in RE and NMU Districts shall be installed in the side or rear yards.

B. Form-Based Code Dimensional Requirements

The following illustrates the form and dimensional requirements for each district.

Central Business District (CBD)

1. District Intent

Highest density with the greatest variety of uses including buildings of regional importance. New infill development should reinforce the urban character.

2. Description

Buildings are limited to 8 stories with stepback requirements above 50 feet. There are no minimum parking requirements. Maximum lot coverage is 100%



2. Frontage Elements

Only the following frontage elements indicated in BOLD are allowed:

Stoop Porch Lightwell **Awning** **Arcade**

3. Lot Dimensions

A	Lot area (min)	NO MIN
B	Lot width (min/max)	10 ft
C	Lot coverage (max)	90%

7. Transparency

L	Ground floor transparency, front facade (min)	75%
M	Ground floor transparency, corner side facade (min)	50%
N	Upper floor transparency, front and corner side facades (min)	30%

4. Building Setbacks*

D	Front yard (min/max)	0 ft / 10 ft
E	Facade length (max)	n/a
F	Side yards (min total)	n/a
G	Rear yard (min)	n/a
H	Parking Setback	greater than principal façade

8. Pedestrian Access

O	Main entrance location (required)	Facing Sidewalk
P	Functional entry spacing	30ft max

5. Building Height

I	Building height (max)	8 Stories*
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9. Building Articulation

Q	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
R	A horizontal projection is required between the first and third stories.
S	Any building taller than 50 ft must have a 5 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
T	*Stepback Bonus: Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

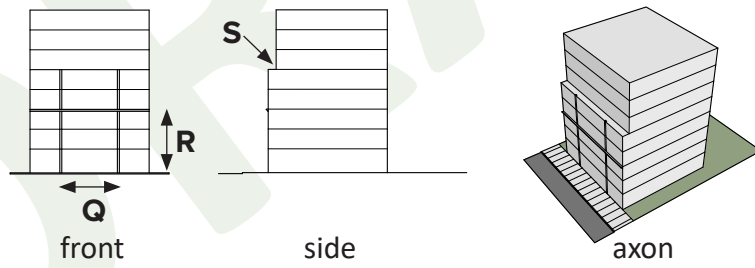
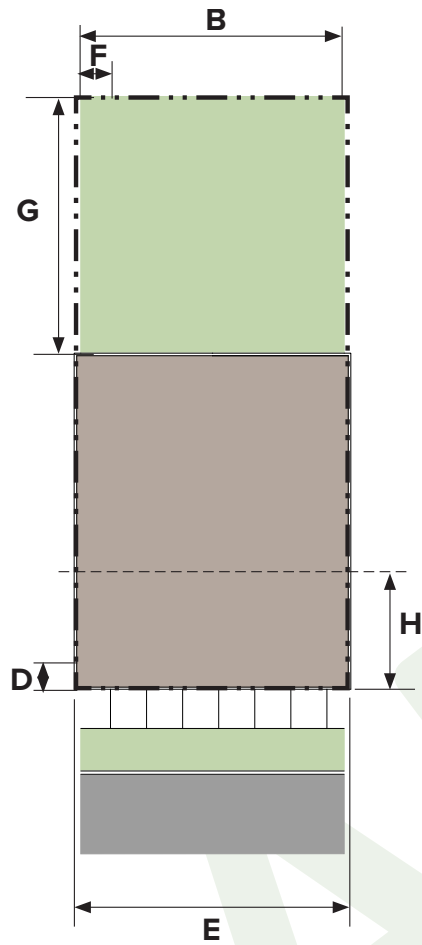
6. Story Height

J	First Story Minimum Height	12 ft
K	Story Minimum Height	9 ft

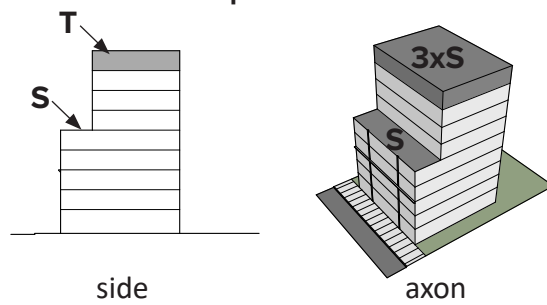
10. Other Standards

U	Max 12 ft frontage unbuilt
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* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Stepback Bonus



Urban Mixed-Use (UMU)

1. District Intent

The Urban Mixed-Use areas are generally located between the CBD and residential neighborhoods where land use transitions from intense urban business to lesser intense residential and compatible non-residential uses that begin to exhibit characteristics of urban/suburban areas with obvious changes in building types, architectural styles, lot sizes and pedestrian activity.

2. Description

Buildings are 2-4 stories. Front setbacks are minimal. Vertical Mixed Use is encouraged. Private parking is subordinate to the public realm.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop **Porch** **Lightwell** **Awning** **Arcade**

3. Lot Dimensions

A	Lot area (min)	1000 sf
B	Lot width (min/max)	10 ft / 100 ft
C	Lot coverage (max - corner)	70% - 90%

4. Building Setbacks*

D	Front yard (min/max)	Average
E	Facade length (max)	60 ft
F	Side yards (min total)	10 ft
G	Rear yard (min)	10 ft
H	Parking Setback	greater than principal façade

5. Building Height

I	Building height (max)	4 Stories*
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6. Story Height

J	First Story Minimum Height	12 ft
K	Story Minimum Height	9 ft

7. Transparency

L	Ground floor transparency, front facade (min)	50%
M	Ground floor transparency, corner side facade (min)	30%
N	Upper floor transparency, front and corner side facades (min)	30%

8. Pedestrian Access

O	Main entrance location (required)	Facing Sidewalk
P	Functional entry spacing	n/a

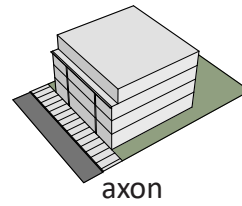
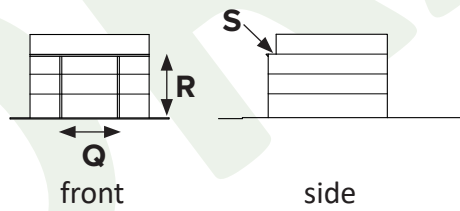
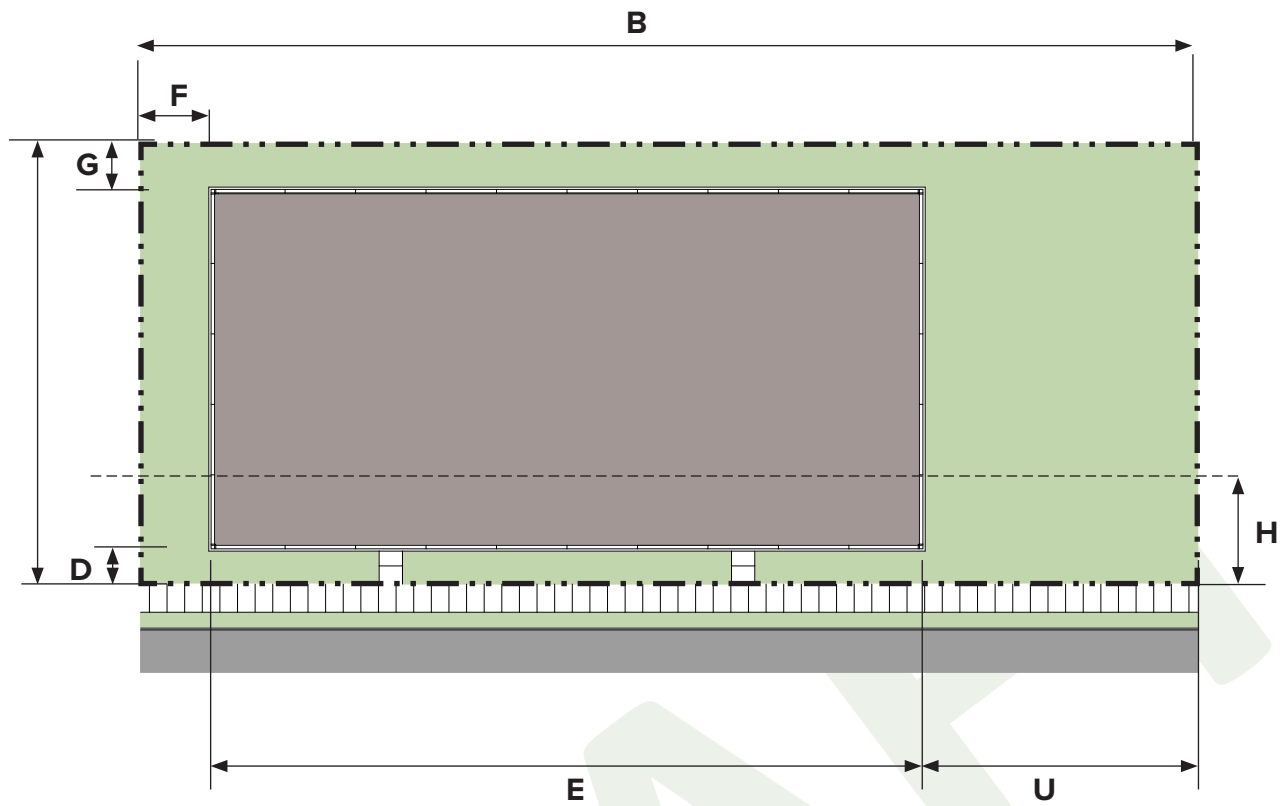
9. Building Articulation

Q	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
R	A horizontal projection is required between the first and third stories.
S	Any building taller than 50 ft must have a 5 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
T	*Stepback Bonus: Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

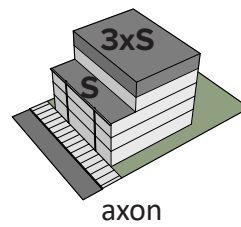
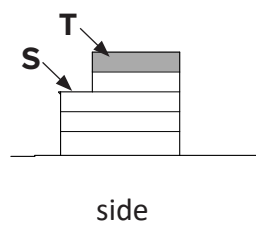
10. Other Standards

U	Max 12 ft frontage unbuilt
---	----------------------------

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Stepback Bonus



Neighborhood Mixed-Use (NMU)

1. District Intent

Vibrant neighborhoods that allow for a mix of residential dwelling unit types, limited commercial services, parks and community facilities. This district reflects the walkable and historic nature of Elmira's neighborhoods with limited neighborhood-scale commercial uses located on the corners. The Neighborhood Mixed-Use District contains the Near Westside Historic District. Development and revitalization of housing and the preservation of historic structures is critical to the quality of life in this district.

2. Description

Buildings are 2-3 stories. Lot sizes are small to medium.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop

Porch

Lightwell

Awning

Arcade

3. Lot Dimensions

A	Lot area (min)	1000 sf
B	Lot width (min/max)	10ft - 100 ft
C	Lot coverage (max - corner)	70% - 90%

7. Transparency

L	Ground floor transparency, front facade (min)	30%
M	Ground floor transparency, corner side facade (min)	30%
N	Upper floor transparency, front and corner side facades (min)	30%

4. Building Setbacks*

D	Front yard (min/max)	Average
E	Facade length (max)	n/a
F	Side yards (min total)	10 ft
G	Rear yard (min)	10 ft
H	Parking Setback	greater than principal façade

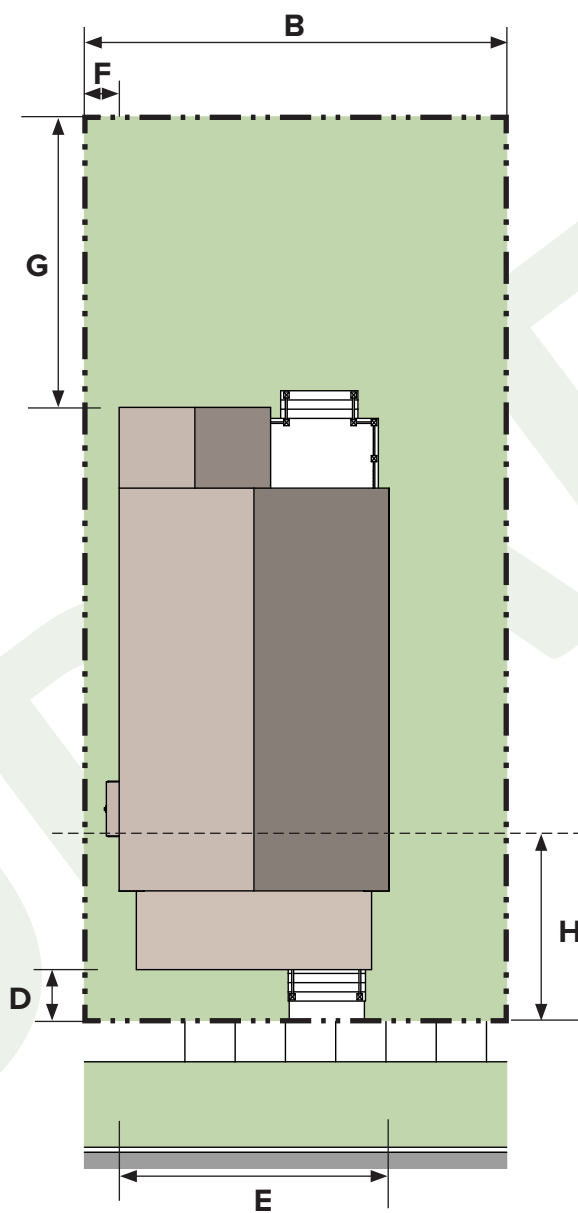
5. Building Height

I	Building height (max)	3 Stories
---	-----------------------	-----------

6. Story Height

J	First Story Minimum Height	9 ft
K	Story height (min)	9 ft

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Residential Edge (RE)

1. District Intent

Vibrant neighborhoods that allow for a mix of residential and commercial services, parks and community facilities. This district reflects the walkable and historic nature of Elmira's neighborhoods with smaller scale commercial uses. The Residential Edge (RE) District contains portions of the Near Westside Historic District along the major thoroughfares of Church and Water Streets and along Columbia Street as a connection to Elmira College. Development and revitalization of housing and the preservation of historic structures is critical to the quality of life in this district.

2. Description

Buildings are 2-3 stories. Lot sizes are small to medium.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop

Porch

Lightwell

Awning

Arcade

3. Lot Dimensions

A	Lot area (min)	1000 sf
B	Lot width (min/max)	10ft - 100 ft
C	Lot coverage (max - corner)	70% - 90%

7. Transparency

L	Ground floor transparency, front facade (min)	30%
M	Ground floor transparency, corner side facade (min)	30%
N	Upper floor transparency, front and corner side facades (min)	30%

4. Building Setbacks*

D	Front yard (min/max)	Average
E	Facade length (max)	n/a
F	Side yards (min total)	10 ft
G	Rear yard (min)	10 ft
H	Parking Setback	greater than principal façade

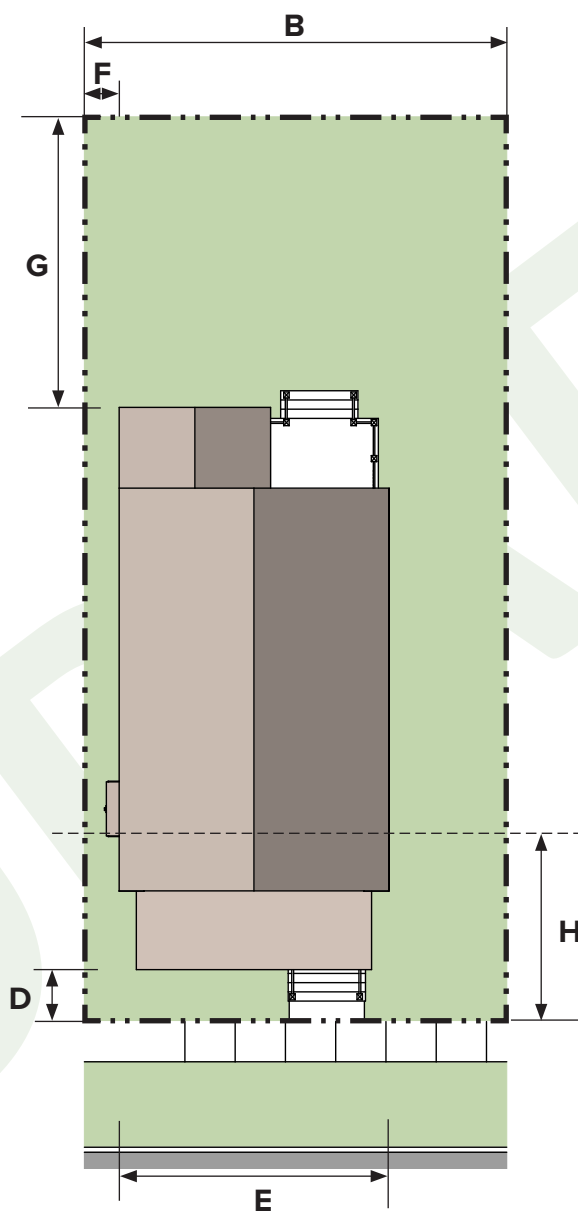
5. Building Height

I	Building height (max)	3 Stories
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6. Story Height

J	First Story Minimum Height	9 ft
K	Story height (min)	9 ft

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Campus TECH (C-T)

1. District Intent

Campus TECH is intended for the re-use of existing and development of new institutional and campus type facilities. The layout of such parcels and buildings requires a flexible approach to redevelopment that respects the unique characteristics of the parcel and the surrounding neighborhoods.

2. Description

This district will apply to existing large institutional campuses that will either be adaptively reused or configured to blend into the existing urban fabric.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop **Porch** Lightwell **Awning** Arcade

3. Lot Dimensions

A	Lot area (min)	1000 sf
B	Lot width (min/max)	10 ft / 100 ft
C	Lot coverage (max - corner)	70% - 90%

4. Building Setbacks*

D	Front yard (min/max)	Average
E	Facade length (max)	150 ft
F	Side yards (min total)	10 ft
G	Rear yard (min)	10 ft
H	Parking Setback	greater than principal façade

5. Building Height

I	Building height (max)	4 Stories*
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6. Story Height

J	First Story Minimum Height	9 ft
K	Story Minimum Height	9 ft

7. Transparency

L	Ground floor transparency, front facade (min)	65%
M	Ground floor transparency, corner side facade (min)	30%
N	Upper floor transparency, front and corner side facades (min)	30%

8. Pedestrian Access

O	Main entrance location (required)	Facing Sidewalk
P	Functional entry spacing	n/a

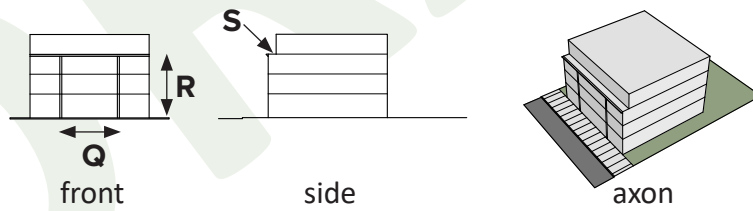
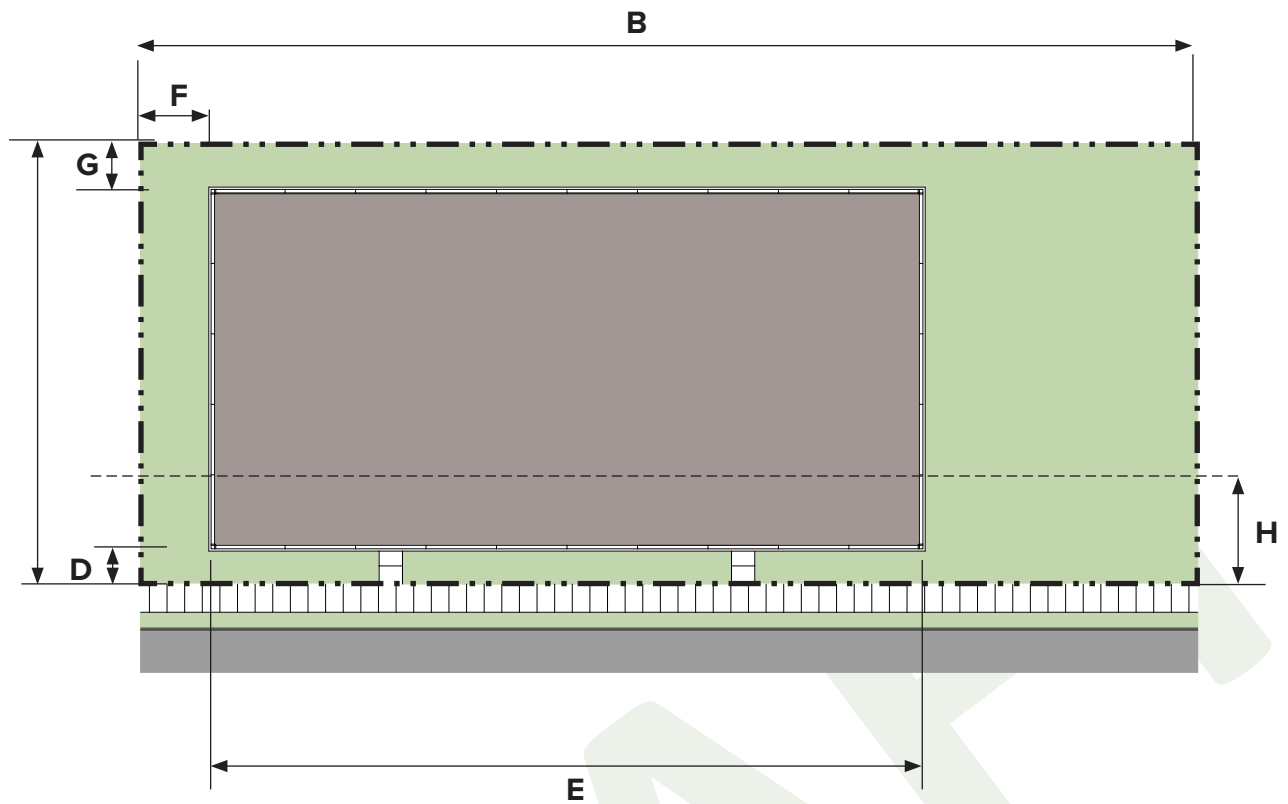
9. Building Articulation

Q	Vertically oriented projection or recess no greater than 30 ft apart. Exceptions: not required above 5th story or where windows are consistently recessed 4 in. or more.
R	A horizontal projection is required between the first and third stories.
S	Any building taller than 50 ft must have a 5 ft minimum front facade stepback between 20 ft minimum and 60 ft maximum above grade.
T	*Stepback Bonus: Stepbacks greater than 8 ft allow for additional stories with a floor area no more than 3 times the total area of the stepback.

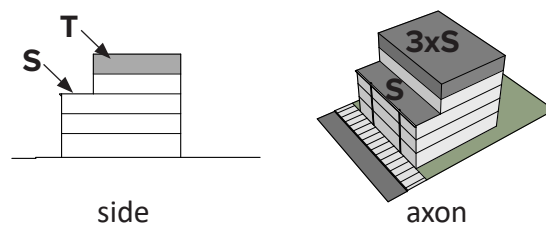
10. Other Standards

max 12 ft frontage unbuilt

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



Stepback Bonus



Campus IND (C-I)

1. District Intent

A district designed to diversify and strengthen the local economic base by allowing for light manufacturing, assembly and fabrication including small scale or specialized industrial operations, office and research related activities and general retail. External effects should not be perceived outside the district.

2. Description

Multi-story buildings with on-site parking for automobiles and/or trucks.



2. Frontage Elements

Only the following frontage elements indicated in **BOLD** are allowed:

Stoop Porch **Lightwell** **Awning** Arcade

3. Lot Dimensions

A	Lot area (min)	20000 sf
B	Lot width (min/max)	50 ft / none
C	Lot coverage (max)	60%

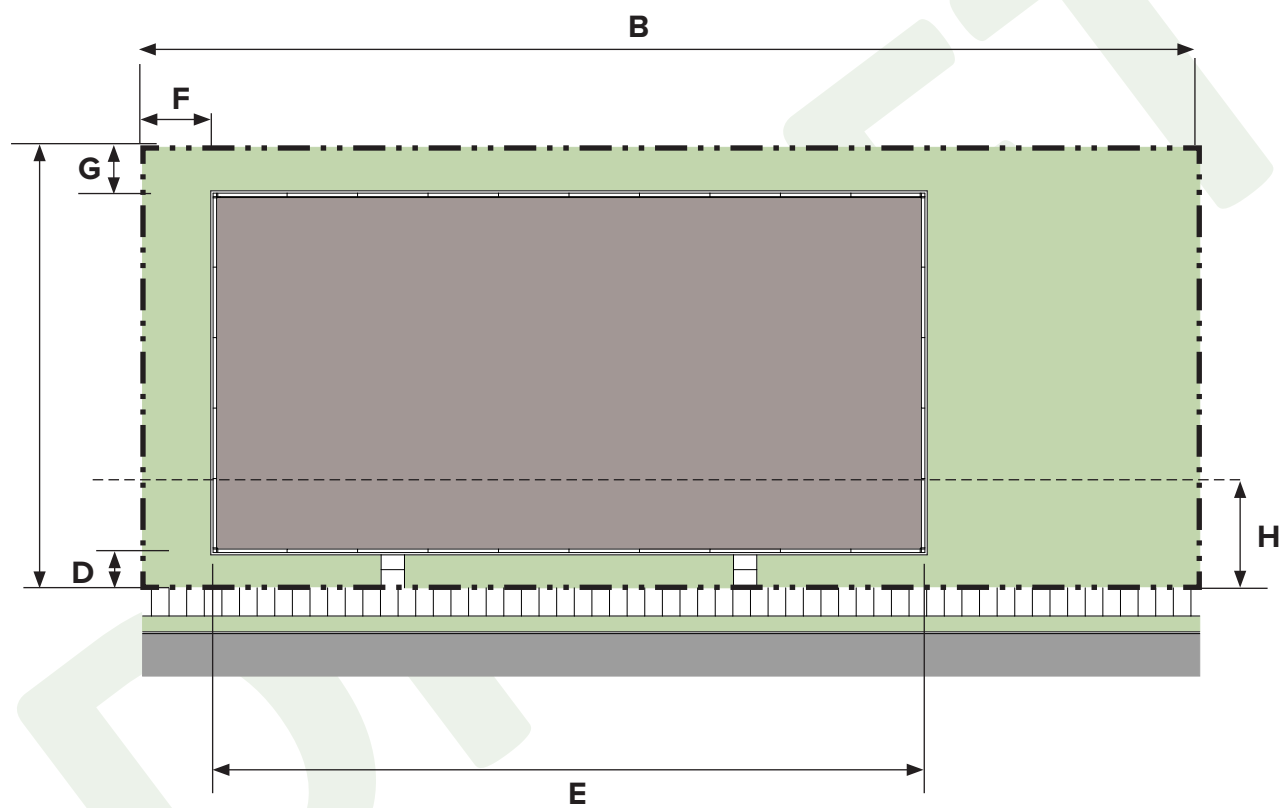
4. Building Setbacks*

D	Front yard (min/max)	25 ft / none
E	Facade length (max)	n/a
F	Side yards (min total)	10 ft + buffer
G	Rear yard (min)	10 ft + buffer
H	Parking Setback	greater than principal façade

5. Building Height

I	Building height (max)	4 Stories
---	-----------------------	-----------

* See Article IV – Section 411 Supplementary yard requirements and exceptions.



C. Parking Standards

A. Applicability

- (1) Parking and loading requirements shall apply to all zoning districts in the City Center Form-Based Code.
- (2) All structures and land uses hereafter erected, enlarged, created, or changed shall have parking and loading and unloading as provided below.

B. Parking Evaluation Process

- (1) Required parking facilities shall be determined before a building permit shall be issued.
- (2) The Director of Code Enforcement or the Planning Board shall make a determination of the required number of parking spaces and the size and location of loading and unloading zones based on the Parking Criteria below.
- (3) The Planning Board shall have the authority during site plan and special permit review to regulate the number of spaces and alter the size and location of loading zones.
- (4) The parking table in Appendix B Zoning of the City of Elmira Code of Ordinances may be referred to as a guide but off-street parking may not be required for new buildings and uses.

C. Parking Criteria

- (1) The proposed parking shall not result in impacts on the "street wall" which should be maintained through a combination of building facade, fencing, landscaping and limit any openings in the street wall to 20' max for residential uses and 24' max for commercial uses and 6' max for pedestrian openings.
- (2) On-site parking shall be balanced against lot size, dimensional limitations and topography.
- (3) Parking should be located on the same lot as the use it is intended to serve if practicable.
- (4) On-street parking space may be used as an alternative to on-site parking where availability can be demonstrated.
- (5) The availability of public parking within a reasonable distance from use.
- (6) The availability of off-site private parking.
- (7) The availability of shared parking.

D. Shared Parking Requirements

Shared is allowed either on the same, adjacent or nearby parcels, provided:

- (1) There is an agreement on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of any of the principal uses having beneficial use of the shared parking. Said covenant shall:
 - (a) Be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof;
 - (b) Be enforceable by any one or all of the parties having beneficial use thereof; and
 - (c) Be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

E. Parking Lot Screening

- (1) Parking lots shall be screened from all street or rights-of-way in such a manner as to facilitate adequate sight distance at points of egress.
- (2) A well maintained rail, fence, wall, or other continuous barricade of a height sufficient to retain all cars completely within the property shall be provided. Such barricade may consist of planted material at least four feet (4'), but no greater than seven feet (7') in height.
- (3) In addition, on any side of the parking lot abutting a residential district or abutting a property being used for residential purposes and not owned by the owner of the parking lot, a minimum six foot (6') wide buffer strip of planted material shall be installed, said planting to consist of compact hedge material and shall be maintained in good condition by the owner.

F. Parking lot landscaping requirements.

- (1) Buffer planting shall be installed between the parking lot and adjacent properties.
- (2) Buffer planting shall be installed between the parking lot and the street.
- (3) If existing trees and vegetation are left on the site, these may be used in lieu of new plantings.
- (4) Consideration should be given to green infrastructure techniques such as bioretention areas.

G. Parking lots with more than 40 (Forty) cars shall be designed in accordance with the following:

- (1) One tree planted on the perimeter of the parking lot for every 10 cars or fraction thereof.
- (2) One tree planted in the interior of a parking lot (on traffic islands) for every 10 cars or fraction thereof.
- (3) Internal traffic islands including one for every 20 cars or part thereof to reduce the impact of the parking area and provide safety for vehicles moving within the area.
- (5) Consideration should be given to green infrastructure techniques such as bioretention areas.

H. New plantings shall comply with the following sizes:

- (1) Major tree 3-1/2" caliper
- (2) Flowering tree 2-1/2" caliper
- (3) Evergreen tree 4-6' height
- (4) Shrub 2-3' height or spread

I. Parking space size.

- (1) Perpendicular parking (90°)
 - a. Each parking space shall be nine feet by eighteen feet (9' x 18').
 - b. The minimum aisle width shall be twenty-four feet (24') for two-way traffic.
 - c. The minimum aisle width shall be twenty-two feet (22') for one-way traffic.
- (2) Angled parking (60°)
 - a. Each parking space shall be nine feet by twenty-two feet (9' x 20')
 - b. The minimum aisle width shall be twenty-three feet (23') for two-way traffic.
 - c. The minimum aisle width shall be fifteen feet (15') for one-way traffic.

J. Stacked parking restrictions.

- (1) Except as otherwise provided herein, parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle.
- (2) Stacked or valet parking may be allowed at the discretion of the Director of Code Enforcement or Planning Board.

K. Loading Areas

- (1) Off-street loading facilities shall be provided for each commercial or industrial use unless it is demonstrated that the use does not require a dedicated loading area.
- (2) Off-street loading facilities shall be so arranged as not to interfere with pedestrian or motor traffic on the public street or highway.
- (3) Any required off-street loading berth shall have a clear area not less than twelve (12) feet in width by twenty-five (25) feet in length

D. Signage Standards

The sign table below refers to allowable signs by district. Refer to Article V: Signs Appendix B City of Elmira Zoning Ordinance of the City Code for additional regulations.

Type of Sign	RE	NMU	UMU	CBD	Campus TECH	Campus IND
Awning	P	P	P	P	P	P
Billboard	NP	NP	NP	NP	SP	SP
Business	SP	SP	P	P	P	P
Flashing (See Sec. 520.16)	NP	NP	NP	SP	P	P
Freestanding	P	P	NP	NP	P	P
Internally Illuminated	NP	NP	P	P	P	P
Indirectly Illuminated	P	P	P	P	P	P
Marquee	NP	NP	NP	SP	NP	NP
Nameplate	P	P	P	P	P	P
Off-Site Advertising	NP	NP	P	P	P	P
Projecting	SP	SP	P	P	P	P
Public Service	SP	SP	SP	SP	SP	SP
Temporary	P	P	P	P	P	P
Wall	SP	SP	P	P	P	P
Window	P	P	P	P	P	P

Key: NP - Not Permitted; SP - Special Permit Required; P - Permitted

E. Lighting Standards

In the City-Center Form Based Code, lighting shall conform the following standards:

A. General Requirements.

- All outdoor lights and illuminated signs shall be designed in such manner as to prevent objectionable light at and across the property lines, and to prevent direct glare at any location on or off the property.
- In the RE and NMU Districts no lighting level measured at the building Frontage Line shall exceed 1.0 foot candles.
- In the UMU, C-T, and C-I Districts no lighting level measured at the building Frontage Line shall exceed 2.0 foot candles.
- In the CBD no lighting level measured at the building Frontage Line shall exceed 5.0 foot candles.

- e. Shielding. All outdoor fixtures shall be fully shielded and installed in such a way that no light is emitted above a horizontal plane running through the lowest part of the fixture. The lighting shall also be shielded to prevent direct glare and/or light trespass, and shall be, as much as physically practical, contained to the target area.



F. Historic District

Refer to Article IV Section 440 of Appendix B City of Elmira Zoning Ordinance of the City Code for requirements for projects located within historic districts in the City-Center Form Based Code.

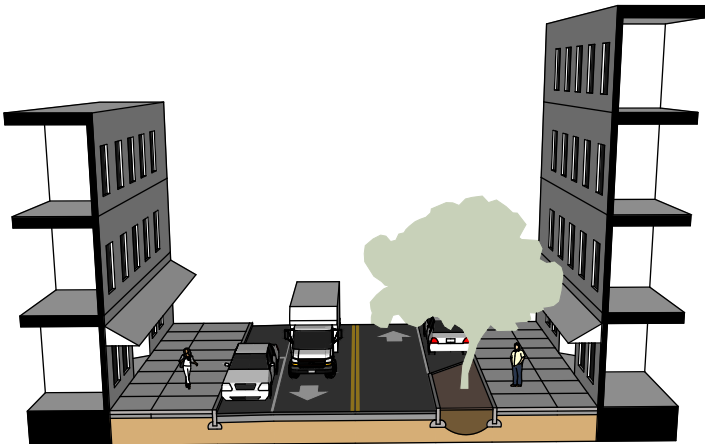
VIII. Thoroughfare Standards and Civic Spaces

A. Future Streets

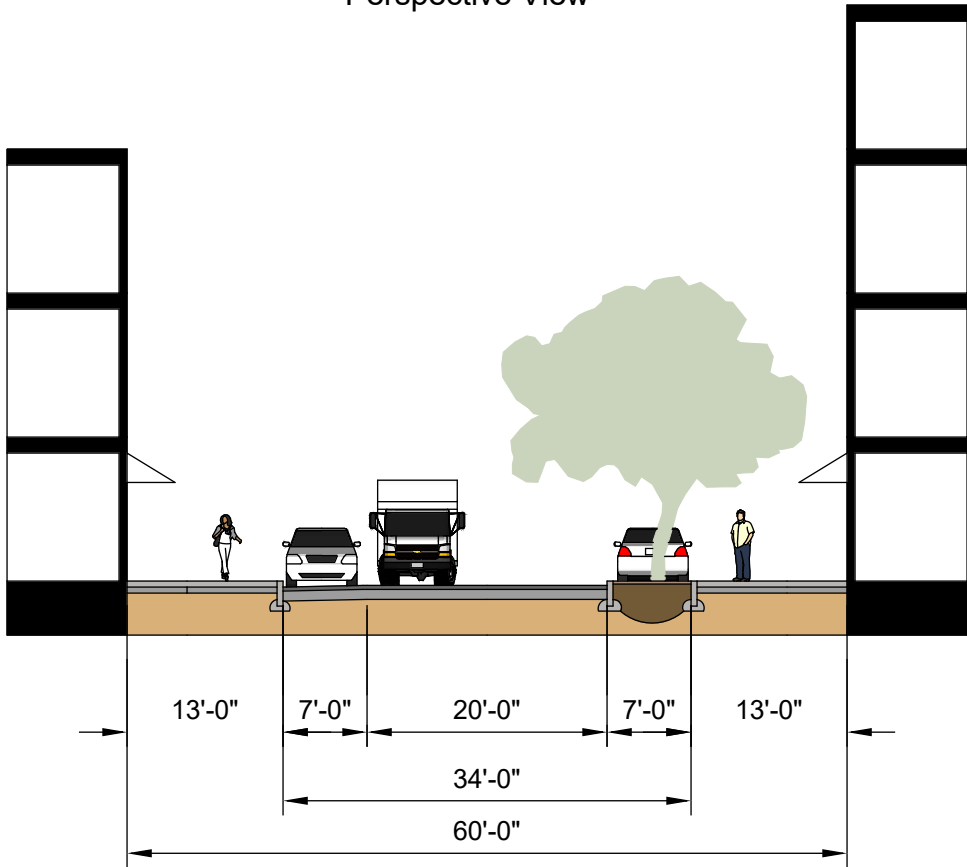
The following pages provide guidance on street types by district including street widths, speed, lane width, walkway type, curb type, landscape requirements, and transportation provision. These regulations apply when new streets are constructed.

THOROUGHFARE ASSEMBLIES: TYPE A

Thoroughfare Type	Main Street
Sub Area Assignment	CBD, UMU
Right-of-Way Width	60 feet
Pavement Width	34 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	XX seconds
Traffic Lanes	2 lanes - asphalt
Parking Lanes	Two sides @ 7 feet marked both sides
Curb Radius	15 feet
Walkway Type	13 foot sidewalk both sides - concrete
Planter Type	7 foot planter bump outs
Curb Type	Granite curb
Landscape Type.	Trees at 30' o.c. avg.
Transportation Provision	Bus route and Bikes share lane



Perspective View

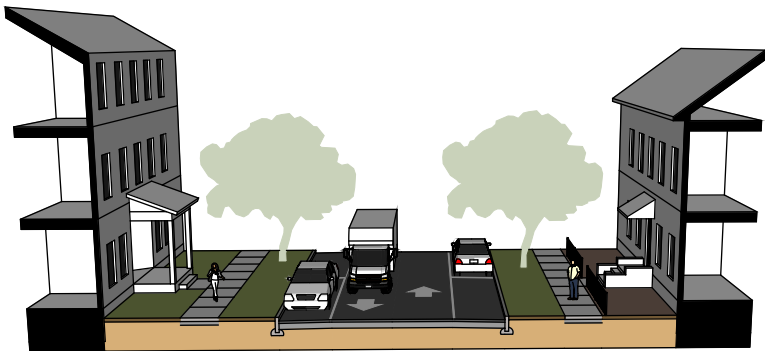


Street Section

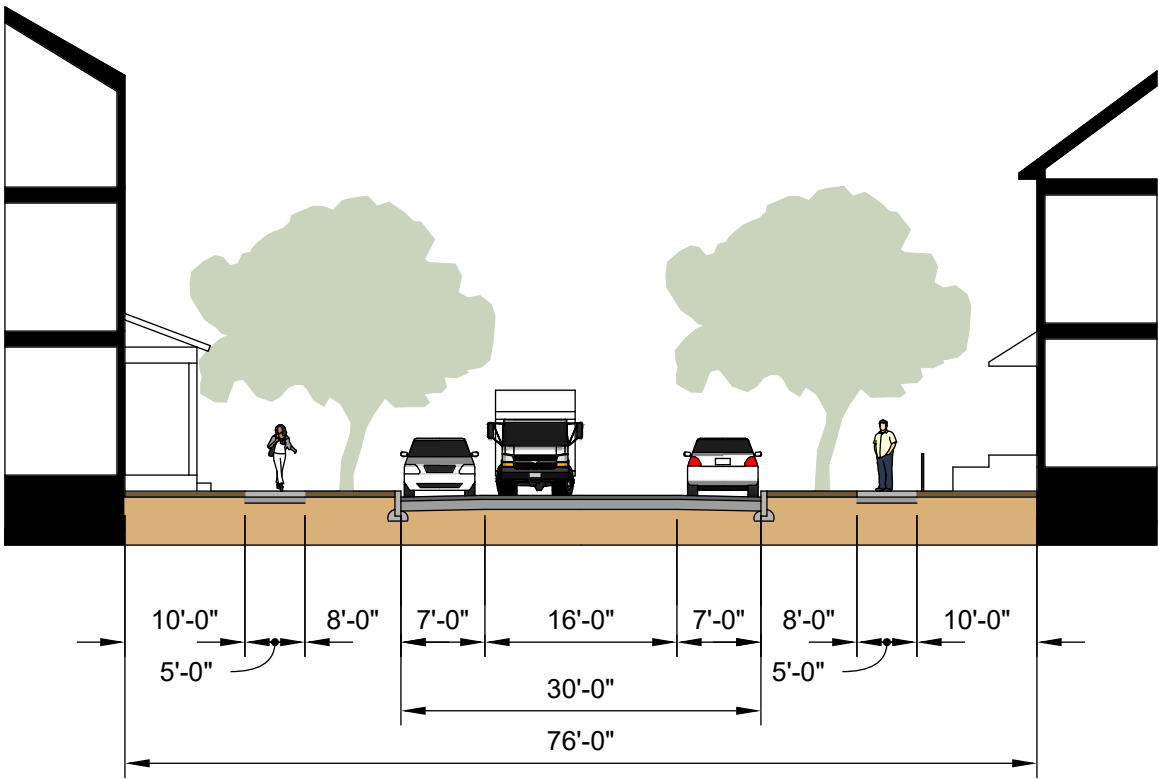
SCALE: 1"=16'

THOROUGHFARE ASSEMBLIES: TYPE B

Thoroughfare Type	Local Street
Sub Area Assignment	NMU, RE, C-T, C-I
Right-of-Way Width	76 feet
Pavement Width	30 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	XX seconds
Traffic Lanes	2 lanes - asphalt
Parking Lanes	Two sides @ 7 feet unmarked both sides
Curb Radius	none
Walkway Type	5 foot sidewalk both sides - concrete
Planter Type	8 foot tree lawn both sides
Curb Type	Granite curb
Landscape Type.	Trees at 30' o.c. avg.
Transportation Provision	Bikes share lane



Perspective View



Street Section

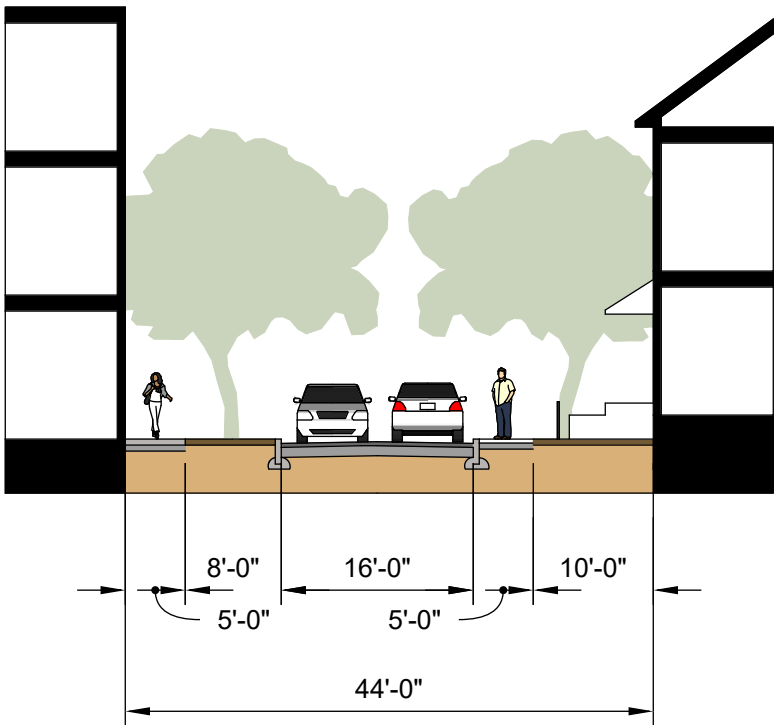
SCALE: 1"=16'

THOROUGHFARE ASSEMBLIES: TYPE C

Thoroughfare Type	Yield Street
Sub Area Assignment	NMU, RE
Right-of-Way Width	44 feet
Pavement Width	16 feet
Movement	Slow
Design Speed	25 MPH
Pedestrian Crossing Time	XX seconds
Traffic Lanes	2 lanes - asphalt
Parking Lanes	none
Curb Radius	none
Walkway Type	5 foot sidewalk both sides - concrete
Planter Type	8 foot tree lawn or 10 ft yard
Curb Type	Granite curb
Landscape Type.	Trees at 30' o.c. avg.
Transportation Provision	Bikes share lane



Perspective View



Street Section

SCALE: 1"=16'

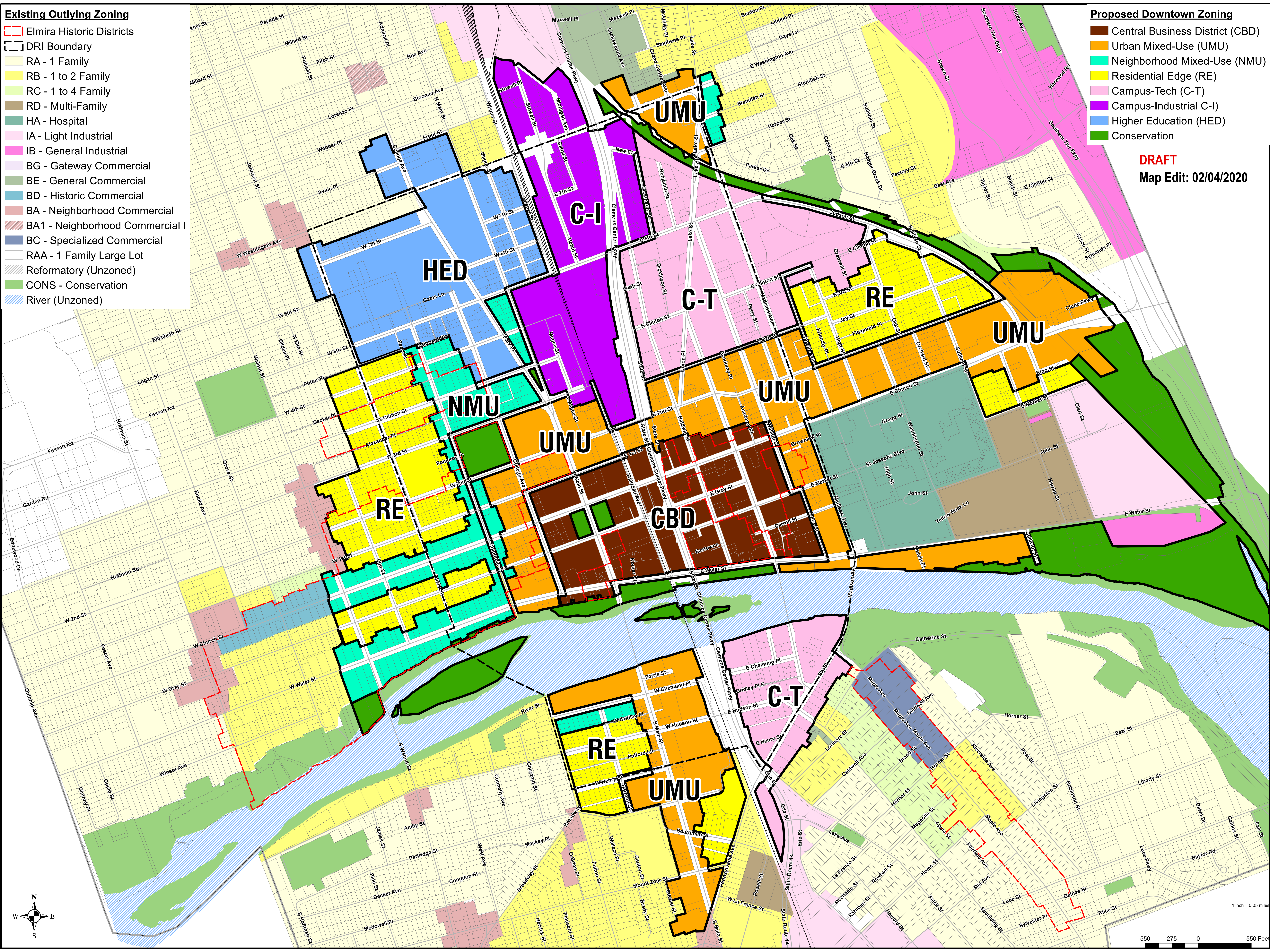
Existing Outlying Zoning

- Elmira Historic Districts
- DRI Boundary
- RA - 1 Family
- RB - 1 to 2 Family
- RC - 1 to 4 Family
- RD - Multi-Family
- HA - Hospital
- IA - Light Industrial
- IB - General Industrial
- BG - Gateway Commercial
- BE - General Commercial
- BD - Historic Commercial
- BA - Neighborhood Commercial
- BA1 - Neighborhood Commercial I
- BC - Specialized Commercial
- RAA - 1 Family Large Lot
- Reformatory (Unzoned)
- CONS - Conservation
- River (Unzoned)

Proposed Downtown Zoning

- Central Business District (CBD)
- Urban Mixed-Use (UMU)
- Neighborhood Mixed-Use (NMU)
- Residential Edge (RE)
- Campus-Tech (C-T)
- Campus-Industrial C-I
- Higher Education (HED)
- Conservation

DRAFT
Map Edit: 02/04/2020



1 inch = 0.05 miles

550 275 0 550 Feet

City of Elmira Zoning Update

List of changes to Appendix B Zoning of the City of Elmira Code of Ordinances

February 2020

The following list changes to the existing zoning ordinance with a recommendation of either repealing and replacing entire articles or simply making suggested changes. *See [elmira_zoning_ordinance_w_redlines_12_15_2019.docx](#)*

- Repeal and replace
 - Article I definitions - entirety
 - Article II Establishment of districts and interpretation of district regulations - entirety
 - Note: should only have 1 map; no need for a CCFBC map
 - Need to integrate CCFBC onto map
 - Article III
 - Add new Section 300.1 City Center Form-Based code
 - Repeal and replace Table 330
 - Article IV
 - Section 440 – Additional text
 - Section 440.5 – Additional text
 - Section 458.2 – Removed Business G
 - Article V – Repeal and Replace in its entirety
 - Section 510 – Awning Sign definitions added
 - Section 520.1 – Awning signs added
 - Section 530 – Reference added to CCFBC for sign table specific to CCFBC
 - Section 540
 - .1 – Added Residential Edge
 - .3 – Added UMU
 - .6 – Replaced Business G with Campus Tech and Campus Industrial
 - Article VI
 - Add the note at the beginning
 - Section 610 – Delete last two sentences referring Business B
 - Article VII
 - Repeal and replace in entirety
 - Article VIII
 - No changes
 - Article IX
 - No Changes
 - Article X – repeal and replace entirety
 - Section 1010.4.5 – Delete (site plan review is with PB)
 - Section 1010.5 – Delete (c) – Special Permits (went to PB)
 - Section 1025.6 – Added (b) Special Permits
 - Section 1025.6 – Added (c) Historic District referral
 - Section 1030 – removed special permits from ZBA

- Section 1050 – Cleaned up decisions by ZBA and PC
 - Section 1060 – fixed appellant to applicant
 - Section 1070 – removed ZBA referral – general cleanup/clarity
- Article XI – Amendments
 - No changes
- Article XII – no changes



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

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: Nathan Nagle Title: Village Manager

Address: 202 S. Main Street, Horseheads, NY 14845

Phone Number: (607) 739-5666 E-mail: rbaer@horseheads.org

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

Petitioner(s): Village of Horseheads Phone: (607) 739-5666

Petitioner's Mailing Address: 202 S. Main Street, Horseheads, NY E-mail: rbaer@horseheads.org

Location of Property: Entire Village

Tax Map Parcel Number(s): n/a

Current Zoning District: n/a

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 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 checked="" type="checkbox"/> Other (please specify): <u>Local Law</u> | |

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

Proposed Local Law to establish uniform policies and procedures for the regulation of the installation and use of battery energy storage systems.

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: Horseheads
- ☐ (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): NYS Route 14, NYS Route 13, Interstate 86
- ☐ (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	5/28/20	
Zoning Board of Appeals		
Planning Board/Planning Commission	5/18/20	
City Council		

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

"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

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:		State:		Zip Code:
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 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 type="checkbox"/>	<input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban) <input type="checkbox"/> Forest Agriculture Aquatic 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 type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input 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 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 type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input 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 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 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 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 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 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 type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

DRAFT Local Law #___ of 2020
Battery Energy Storage Systems
Final Draft – 04/23/2020

1. Authority

This Battery Energy Storage System Law is adopted pursuant to Article IX of the New York State Constitution, §2(c)(6) and (10), New York Statute of Local Governments, § 10 (1) and (7); Sections 7-700 through 7-704 of the Village Law, and Section 10 of the Municipal Home Rule Law] of the State of New York, which authorize the Village of Horseheads to adopt zoning provisions that advance and protect the health, safety and welfare of the community.

2. Statement of Purpose

This Battery Energy Storage System Law is adopted to advance and protect the public health, safety, and welfare of the Village by creating regulations for the installation and use of battery energy storage systems, with the following objectives:

- A. To provide a regulatory scheme for the designation of properties suitable for the location, construction and operation of battery energy storage systems;
- B. To protect the health, welfare, safety, and quality of life for the general public;
- C. To ensure compatible land uses in the vicinity of the areas affected by battery energy storage systems;
- D. To mitigate the impacts of battery energy storage systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and

3. Definitions

ANSI: American National Standards Institute

BATTERY: A single Cell or a group of Cells connected together electrically in series, in parallel, or a combination of both, which can charge, discharge, and store energy electrochemically. For the purposes of this law, batteries utilized in consumer products are excluded from these requirements.

BATTERY ENERGY STORAGE MANAGEMENT SYSTEM: An electronic system that protects storage batteries from operating outside their safe operating parameters and generates an alarm and trouble signal for off normal conditions.

BATTERY ENERGY STORAGE SYSTEM (BESS): A rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical

power to a building. The system is typically used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing, or similar capabilities. A battery energy storage system is classified as a Tier 1, Tier 2, or Tier 3 Battery Energy Storage System as follows:

A. Tier 1 Battery Energy Storage Systems include either:

- a) Battery energy storage systems for one to two family residential dwellings within or outside the structure with an aggregate energy capacity that shall not exceed:
 - 1. 40 kWh within utility closets and storage or utility spaces
 - 2. 80 kWh in attached or detached garages and detached accessory structures
 - 3. 80 kWh on exterior walls
 - 4. 80 kWh outdoors on the ground
- b) Other battery energy storage systems with an aggregate energy capacity less than or equal to the threshold capacity listed in Table 1

B. Tier 2 Battery Energy Storage Systems include battery energy storage systems that are not included in Tier 1, have an aggregate energy capacity greater than the threshold capacity listed in Table 1, and have an aggregate energy capacity less than 600 kWh

Table 1: Battery Energy Storage System Tier 2 Threshold Quantities

Battery Technology	Capacity
Flow batteries	20 kWh
Lead acid, all types	70 kWh
Lithium, all types	20 kWh
Nickel cadmium (Ni-Cd)	70 kWh
Nickel metal hydride (Ni-MH)	70 kWh
Other battery technologies	10 kWh

C. Tier 3 Battery Energy Storage Systems include all the following:

- a) Battery energy storage systems with an aggregate energy capacity greater than or equal to 600kWh
- b) Battery energy storage systems with more than one storage battery technology is provided in a room or indoor area

BOARD OF TRUSTEES: The Village of Horseheads Board of Trustees

CODE ENFORCEMENT OFFICER: The Code Enforcement officer of the Village of Horseheads.

COMMISSIONING: A systematic process that provides documented confirmation that a battery energy storage system functions according to the intended design criteria and complies with applicable code requirements.

DEDICATED-USE BUILDING: A building that is built for the primary intention of housing battery energy storage system equipment and is classified as Group F-1 occupancy as defined in the International Building Code. It is constructed in accordance with the Uniform Code, and it complies with the following:

- 1) The building's only permitted primary use is for battery energy storage, energy generation, and other electrical grid-related operations.
- 2) Occupants in the rooms and areas containing battery energy storage systems are limited to personnel that operate, maintain, service, test, and repair the battery energy storage system and other energy systems.
- 3) No other occupancy types are permitted in the building.
- 4) Administrative and support personnel are permitted in incidental-use areas within the buildings that do not contain battery energy storage system, provided the following:
 - a. The areas do not occupy more than 10 percent of the building area of the story in which they are located.
 - b. A means of egress is provided from the incidental-use areas to a public way that does not require occupants to traverse through areas containing battery energy storage systems or other energy systems.

DWELLING UNIT: One or more rooms arranged for complete, independent housekeeping purposes with space for eating, living, and sleeping; facilities for cooking; and provisions for sanitation.

ENERGY CODE: The New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law, as currently in effect and as hereafter amended from time to time.

FIRE CODE: The fire code section of the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

FLOW BATTERY: A type of rechargeable Battery that uses typically large, separated liquid reservoirs of electrolytes that flow through a reaction zone to store, charge, and discharge energy. These electrolytes are typically non-flammable.

LEAD-ACID BATTERY: A rechargeable Battery that is comprised of lead electrodes immersed in sulphuric acid electrolyte. These batteries may be flooded, vented, sealed, or may come in other form factors. They may produce hazardous gases during normal operations.

LITHIUM-ION BATTERY: A storage Battery with lithium ions serving as the charge carriers of the Battery. The electrolyte is typically a mixture of organic solvents with an inorganic salt and can be in a liquid or a gelled polymer form.

NATIONALLY RECOGNIZED TESTING LABORATORY (NRTL): A U.S. Department of Labor designation recognizing a private sector organization to perform certification for certain products to ensure that they meet the requirements of both the construction and general industry OSHA electrical standards.

NEC: National Electric Code.

NFPA: National Fire Protection Association.

NICKEL-BASED BATTERY: A rechargeable Battery in which the positive active material is nickel oxide, the negative contains either cadmium (Nickel-cadmium, Ni-Cd), hydrogen ions stored in a metal-hydride structure (Nickel-metal hydride, Ni-MH), or zinc (Nickel-zinc, Ni-Zn) as the electrode and the electrolyte is potassium hydroxide.

NON-DEDICATED-USE BUILDING: All buildings that contain a battery energy storage system and do not comply with the dedicated-use building requirements, including all other occupancy types such as, but not limited to, commercial, industrial, offices, and multifamily housing.

NON-PARTICIPATING PROPERTY: Any property that is not a Participating property.

OCCUPIED COMMUNITY BUILDING: Any building in Occupancy Group A, B, E, I, R, as defined in the International Building Code, including but not limited to schools, colleges, daycare facilities, hospitals, correctional facilities, public libraries, theaters, stadiums, apartments, hotels, and houses of worship.

ONE-TO-TWO-FAMILY DWELLING: A building that contains not more than two dwelling units with independent cooking and bathroom facilities.

PARTICIPATING PROPERTY: A battery energy storage system host property or any real property that is the subject of an agreement that provides for the payment of monetary compensation to the landowner from the battery energy storage system owner (or affiliate) regardless of whether any part of a battery energy storage system is constructed on the property.

SPECIAL FLOOD HAZARD AREA: The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

UNIFORM CODE: the New York State Uniform Fire Prevention and Building Code adopted pursuant to Article 18 of the Executive Law, as currently in effect and as hereafter amended from time to time.

VILLAGE: The Village of Horseheads.

4. Applicability

A. The requirements of this Local Law shall apply to all battery energy storage systems permitted, installed, or modified in the Village of Horseheads after the effective date of this Local Law, excluding general maintenance and repair.

B. Battery energy storage systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to, retrofits or replacements of an existing battery energy storage system that increase the total battery energy storage system designed discharge duration or power rating shall be subject to this Local Law.

5. General Requirements

A. A Building permit, and an electrical permit shall be required for installation of all battery energy storage systems.

B. Issuance of permits and approvals by the Board of Trustees (Tier 3 Battery Energy Storage Systems) shall include review pursuant to the State Environmental Quality Review Act, ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA").

C. All battery energy storage systems, all Dedicated Use Buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the Uniform Code and/or the Energy Code shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all

applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the Village Code.

D. All battery energy storage systems, regardless of Tier, are subject to a permit fee. Such fee shall be established by the Board of Trustees and may be changed from time to time by resolution.

6. Permitting Requirements for Tier 1 Battery Energy Storage Systems

A. Tier 1 Battery Energy Storage Systems shall be permitted in all zoning districts and shall be subject to the "Battery Energy Storage System Permit" and exempt from site plan review.

7. Permitting Requirements for Tier 2 Battery Energy Storage Systems

A. Tier 2 Battery Energy Storage Systems shall be permitted in all zoning districts, shall be subject to the Uniform Code and the "Battery Energy Storage System Permit," and are exempt from site plan review.

8. Permitting Requirements for Tier 3 Battery Energy Storage Systems

Tier 3 Battery Energy Storage Systems are permitted through the issuance of a special use permit within the M-1 Manufacturing and Planned Unit Development (PUD) zoning districts, and subject to the Uniform Code and site plan application requirements set forth in this Section.

A. Applications for the installation of Tier 3 Battery Energy Storage System shall be:

- 1) reviewed by the Code Enforcement Officer for completeness. An application shall be complete when it addresses all matters listed in this Local Law including, but not necessarily limited to, (i) compliance with all applicable provisions of the Uniform Code and all applicable provisions of the Energy Code and (ii) matters relating to the proposed battery energy storage system and Floodplain, Utility Lines and Electrical Circuitry, Signage, Lighting, Vegetation and Tree-cutting, Noise, Decommissioning, Site Plan and Development, Special Use and Development, Ownership Changes, Safety, Permit Time Frame and Abandonment. Applicants shall be advised within 20 calendar days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- 2) subject to a public hearing to hear all comments for and against the application. The Board of Trustees of the Village shall have a notice printed in a newspaper of general circulation in the Village at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 200 feet of the property at least 10 days prior to

such a hearing. Proof of mailing shall be provided to the Board of Trustees at or before the public hearing.

- 3) referred to the Chemung County Planning Board pursuant to General Municipal Law § 239-m if required.
- 4) upon closing of the public hearing, the Village Board of Trustees shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Board of Trustees and Applicant.

B. Floodplain. The Applicant of battery energy storage systems shall obtain necessary local floodplain development permits if proposed within Special Flood Hazard Areas.

C. Utility Lines and Electrical Circuitry. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

D. Signage.

- 1) The signage shall be in compliance with ANSI Z535 and shall include the type of technology associated with the battery energy storage systems, any special hazards associated, the type of suppression system installed in the area of battery energy storage systems, and 24-hour emergency contact information, including reach-back phone number.
- 2) As required by the NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Lighting. Lighting of the battery energy storage systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

F. Vegetation and tree-cutting. Areas within 10 feet on each side of Tier 3 Battery Energy Storage Systems shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers shall be permitted to be exempt provided that they do not form a means of readily transmitting fire. Removal of trees should be minimized to the extent possible.

G. Noise. The 1-hour average noise generated from the battery energy storage systems, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA as measured at the outside wall of any Non-participating Property and Occupied Community Building. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance. The applicant may be required to provide Operating Sound Pressure Level measurements from a reasonable number of sampled

locations at the perimeter of the battery energy storage system to demonstrate compliance with this standard.

H. Decommissioning.

- 1) Decommissioning Plan. The applicant shall submit a decommissioning plan developed in accordance with the Uniform Code, containing a narrative description of the activities to be accomplished for removing the energy storage system from service, and from the facility in which it is located. The decommissioning plan shall also include: (i) the anticipated life of the battery energy storage system; (ii) the estimated decommissioning costs; (iii) how said estimate was determined; (iv) the method of ensuring that funds will be available for decommissioning and restoration; (v) the method that the decommissioning cost will be kept current; (vi) the manner in which the battery energy storage system will be decommissioned, and the Site restored; and (vii) a listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.
- 2) Decommissioning Fund. The applicant, or successors, shall continuously maintain a fund or bond payable to the Village, in a form approved by the Village for the removal of the battery energy storage system, in an amount to be determined by the Board of Trustees, for the period of the life of the facility. This fund may consist of a letter of credit from a State of New York licensed-financial institution. All costs of the financial security shall be borne by the applicant.

I. Site plan application. For a Tier 3 Battery Energy Storage System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site.
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures.
- 3) An electrical diagram detailing the battery energy storage system layout, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents the proposed battery energy storage system components, inverters and associated electrical equipment that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the battery energy storage system. Such

information of the final system installer shall be submitted prior to the issuance of building permit.

- 6) Name, address, phone number, and signature of the project Applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the battery energy storage system.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Commissioning Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in proper working condition per requirements set forth in the Uniform Code (referenced in Appendix 1). Battery energy storage system commissioning shall be conducted by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect after the installation is complete but prior to final inspection and approval. A corrective action plan shall be developed for any open or continuing issues that are allowed to be continued after commissioning. A report describing the results of the system commissioning and including the results of the initial acceptance testing required in the Uniform Code (referenced in Appendix 1) shall be provided to the Board of Trustees prior to final inspection and approval and maintained at an approved on-site location.

Energy storage system commissioning shall not be required for lead-acid and nickel-cadmium battery systems at facilities under the exclusive control of communications utilities that comply with NFPA 76 and operate at less than 50 VAC and 60 VDC.

- 9) Fire Safety Compliance Plan. Such plan shall document and verify that the system and its associated controls and safety systems are in compliance with the Uniform Code.
- 10) System and Property Operation and Maintenance Manual. Such manual or plan shall describe continuing battery energy storage system maintenance and property upkeep, as well as design, construction, installation, testing and commissioning information and shall meet all requirements set forth in the Uniform Code (referenced in Appendix 3).
- 11) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 12) Prior to the issuance of the building permit or final approval by the Board of Trustees, but not required as part of the application, engineering documents must be signed and sealed by a NYS Licensed Professional Engineer or NYS Registered Architect.
- 13) An Emergency Operation Plan per requirements set forth in Appendix 4.

J. Special Use Permit Standards.

- 1) Setbacks. Tier 3 Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- 2) Height. Tier 3 Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district.
- 3) Fencing Requirements. Tier 3 Battery Energy Storage Systems, including all mechanical equipment, shall be enclosed by a fence at least 7 feet high with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.
- 4) Screening and Visibility. Tier 3 Battery Energy Storage Systems shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area and not interfering with ventilation or exhaust ports.

K. Ownership Changes. If the owner of the battery energy storage system changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the battery energy storage system shall notify the code enforcement officer (CEO) of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the CEO in writing. The special use permit and all other local approvals for the battery energy storage system would be void if a new owner or operator fails to provide written notification to the CEO in the required timeframe. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Local Law.

9. Safety

A. System Certification. Battery energy storage systems and Equipment shall be listed by a Nationally Recognized Testing Laboratory to UL 9540 or CAN 9540 (Standard for battery energy storage systems and Equipment) with subcomponents meeting each of the following standards that are applicable based on the storage type (electrochemical, thermal, mechanical):

- 1) UL 1973 (Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail Applications),
- 2) UL 1642 (Standard for Lithium Batteries),
- 3) UL 1741 or UL 62109 (inverters and power converters),

- 4) Certified under the applicable electrical, building, and fire prevention codes as required.
- 5) Alternatively, field evaluation by an approved testing laboratory for compliance with UL 9540 and applicable codes, regulations and safety standards may be used to meet system certification requirements.

Lead-acid and nickel-cadmium battery systems installed in facilities under the exclusive control of communications utilities and operating at less than 50 VAC and 60 VDC in accordance with NFPA 76 are not required to be listed.

B. Site Access. Battery energy storage systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department.

C. Battery energy storage systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure in compliance with NFPA 70.

10. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a battery energy storage system shall be valid for a period of 12 months, provided that a building permit is issued for construction and construction is substantially commenced within that period. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Board of Trustees, within 18 months after approval, the Village may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.
- B. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Village may, at its discretion, utilize the available bond and/or security for the removal of a Tier 3 Battery Energy Storage System and restoration of the site in accordance with the decommissioning plan.

11. Enforcement

Any violation of this Battery Energy Storage System Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in Village Code Chapter 1, Article II, General Penalty.

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

APPENDIX 1: Commissioning Plan

The battery energy storage system commissioning plan shall comply with the Uniform Code and include, at a minimum, the following information:

1. A narrative description of the activities that will be accomplished during each phase of commissioning including the personnel intended to accomplish each of the activities.
2. A listing of the specific BESS and associated components, controls and safety related devices to be tested, a description of the tests to be performed and the functions to be tested.
3. Conditions under which all testing will be performed, which are representative of the conditions during normal operation of the system.
4. Documentation of the owner's project requirements and the basis of design necessary to understand the installation and operation of the BESS.
5. Verification that required equipment and systems are installed in accordance with the approved plans and specifications.
6. Integrated testing for all fire and safety systems.
7. Testing for any required thermal management, ventilation or exhaust systems associated with the BESS installation.
8. Preparation and delivery of operation and maintenance documentation.
9. Training of facility operating and maintenance staff.
10. Identification and documentation of the requirements for maintaining system performance to meet the original design intent during the operation phase.
11. Identification and documentation of personnel who are qualified to service, maintain and decommission the BESS, and respond to incidents involving the BESS, including documentation that such service has been contracted for.

APPENDIX 2: INTENTIONALLY LEFT BLANK

APPENDIX 3: Operation and Maintenance Manual

The Operation and Maintenance Manual shall be provided to both the BESS owner and their operator before the battery energy storage system is put into operation. The energy storage system shall be operated and maintained in accordance with the manual and a copy of the documentation shall be retained at an approved onsite location to be accessible to facility personnel, fire code officials, and emergency responders.

In addition to complying with the Uniform Code, the battery energy storage system Operation and Maintenance Manual shall, at a minimum, include design, construction, installation, testing and commissioning information associated with the battery energy storage system as initially approved after being commissioned, as well as the following information:

1. Manufacturer's operation manuals and maintenance manuals for the entire BESS or for each component of the system requiring maintenance, that clearly identify the required routine maintenance actions.
2. Name, address and phone number of a service agency that has been contracted to service the BESS and its associated safety systems.
3. Maintenance and calibration information, including wiring diagrams, control drawings, schematics, system programming instructions and control sequence descriptions, for all energy storage control systems.
4. Desired or field-determined control set points that are permanently recorded on control drawings at control devices or, for digital control systems in system programming instructions.
5. A schedule for inspecting and recalibrating all BESS controls.
6. A service record log form that lists the schedule for all required servicing and maintenance actions and space for logging such actions that are completed over time and retained on site.
7. Inspection and testing records

APPENDIX 4: Emergency Operations Plan

An emergency operations plan shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions.
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls.
- c. Procedures to be followed in response to notifications from the Battery Energy Storage Management System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure.
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire.
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required.
- f. Procedures for dealing with battery energy storage system equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged battery energy storage system equipment from the facility.
- g. Other procedures as determined necessary by the Village to provide for the safety of occupants and emergency responders.
- h. Procedures and schedules for conducting drills of these procedures.

Battery Energy Storage System Permit Application

SUBMITTAL INSTRUCTIONS

This application and the following attachments will constitute the Battery Energy Storage System (BESS) Permitting Package.

- This application form, with all fields completed and bearing relevant signatures.
- Permitting fee: Tier 1 BESS \$100, Tier 2 BESS \$500, Tier 3 BESS \$1,000 payable by check made payable to: **Village of Horseheads**
- Required Construction Documents for the battery energy storage system being installed, including required attachments.

Completed permit applications can be submitted electronically to Village of Horseheads Code Enforcement either by email to jburgess@horseheads.org or ryoung@horseheads.org, or in person at Horseheads Village Hall, 202 S. Main Street, Horseheads, NY 14845 during business hours – Monday through Friday, 8:00am – 4:00pm.

APPLICATION REVIEW TIMELINE

Permit determinations will be issued within 62 calendar days upon receipt of complete and accurate applications. The municipality will provide feedback within 20 calendar days of receiving incomplete or inaccurate applications.

FOR FURTHER INFORMATION

Questions about this permitting process may be directed to Village of Horseheads Code Enforcement Department, (607) 739-5691, #2.

PROPERTY OWNER

Property Owner's First Name

Last Name

Title

Property Address

City

State

Zip

Section

Block

Lot Number

EXISTING USE

☐ Residential

☐ Commercial

PROVIDE THE TOTAL SYSTEM CAPACITY RATING

Total System Capacity Rating: _____ kWh

Power Rating _____ kW (Select One) ☐ AC or ☐ DC

SELECT SYSTEM CONFIGURATION

☐ AC Coupled ☐ DC Coupled ☐ Standalone

SELECT BATTERY TYPE

☐ Lithium-ion, all types ☐ Lead-acid, all types ☐ Nickel-cadmium (Ni-Cd) ☐ Flow batteries ☐ Other: _____

SELECT INSTALLATION TYPE

☐ Indoor ☐ Outdoor ☐ Attached/Detached/Open Garage ☐ Rooftop ☐ Dedicated Use Building

BATTERY ENERGY STORAGE SYSTEM INSTALLATION CONTRACTOR

Contractor Business Name

Contractor Business Address

City

State

Zip

Contractor Contact Name

Phone Number

Contractor License Number(s)

Contractor Email

Electrician Business Name

Electrician Business Address

City

State

Zip

Electrician Contact Name

Phone Number

Electrician License Number(s)

Electrician Email

Please sign below to affirm that all answers are correct and that you have met all the conditions and requirements to participate in this unified process.

Property Owner's Signature

Date

Battery Energy Storage System Company Representative Signature

Date

PERMITS AND APPROVALS REQUIRED

The following permits are the minimum requirements for battery energy storage systems installed with an aggregate energy capacity up to 600 kWh.

1. Battery Energy Storage System Permit
Building Permit and Electrical Permit , if applicable.

SUBMITTAL REQUIREMENTS

In order to submit a complete permit application for a new battery energy storage system, the applicant must include:

- a) Completed Application form on page 2.
- b) Construction Documents, with listed attachments. Construction Documents must be stamped and signed by a New York State Registered Architect or New York State Licensed Professional Engineer.

General Requirements

- Minimum plan size is 11"x17" with a minimum font of 10.
 - Include 4 full sets of plans and 2 sets of supporting documents.
- Include the applicable codes on the cover sheet for the project.
- Include the complete scope of work on the cover sheet for the project.
- All battery energy storage systems, all dedicated use buildings, and all other buildings or structures that (1) contain or are otherwise associated with a battery energy storage system and (2) subject to the NYS Uniform Fire Prevention and Building Code (Uniform Code) and/or the NYS Energy Conservation Construction Code(Energy Code) shall be designed, erected, and installed in accordance with all applicable provisions of the Uniform Code, all applicable provisions of the Energy Code, and all applicable provisions of the codes, regulations, and industry standards as referenced in the Uniform Code, the Energy Code, and the [Village/Town/City] Code.

Site Plan and Floor Plan Requirements

- Include a legend or key for the site and floor plan with equipment symbols.
- The site plan shall include:
 - The location of the structure and the location where the system is to be installed.
 - Show conduit/cable routing of battery energy storage system.
 - Include underground trench detail, if applicable.
 - Show overhead runs, if applicable.
 - Show method and location of required ventilation equipment (if required) for indoor installations.
- Identify the total number of batteries.
- The floor plan shall include:
 - New equipment for the battery energy storage system.
 - Existing equipment for interconnection.
 - Show required working clearances for all existing/new electrical equipment.
 - Show whether the equipment is to be installed indoors or outdoors.
 - Show method and location of requirement ventilation equipment (if required) for indoor installations.
 - Show method of protection from physical damage for the battery energy storage system.
 - Show means of access to battery energy storage system.
 - Denote whether conductors are routed indoors or outdoors.
- Provide an elevation drawing of the system equipment and specify elevation in relation to flood plains.
 - If the building is in a flood zone, it shall be above base flood elevation.
- Provide supporting documents from manufacturer if equipment is subject to physical damage.

Electrical

- Installations shall be in compliance with the Battery Energy Storage System Inspection Checklist. The Battery Energy Storage System Inspection Checklist provides an overview of common points of inspection that the applicant should be prepared to show compliance.
- Plans shall include a note that a plug-in type back-fed circuit breakers connected to an interconnected supply shall be secured in accordance with (NEC 408.36(D)).

- Provide a permanent plaque or directory denoting all electric power sources on or in the premises, which shall be installed at the main service panel and at locations of all electric power production sources capable of being interconnected (2017 NEC 706.11).
- One or Three-Line Diagram
 - Show grounding and bonding for the battery energy storage system, including the ground return path.
 - Show method of interconnection.
 - Show overcurrent protection method and rating when required.
 - Include detailed wiring information for all new circuits, including:
 - > Conductor size/type
 - > Number of conductors
 - > Conduit size
 - > Conduit type
 - Show all disconnection means.
 - Show ratings (voltage, ampacity, environmental, etc.) for new and existing service equipment.
- Specifications and installation instructions
 - Prepackaged and pre-engineered battery energy storage systems shall be installed in accordance with their listing and the manufacturer's instructions. Energy storage systems listed and labeled solely for utility or commercial use shall not be used for residential applications.
 - > Exceptions:
 - Where approved, repurposed unlisted battery systems from electric vehicles are allowed to be installed outdoors or in detached dedicated cabinets located not less than 5 feet (1524 mm) from exterior walls, property lines and public ways.
 - Energy storage systems less than 1 kWh (3.6 megajoules).
 - Provide specification sheets and installation instructions for the following equipment:
 - > Batteries
 - > Inverter
 - > Transformer or autotransformer
 - > Transfer switch(es)
 - > ESS support or racking
 - > Converters
 - > Interconnecting cables and connectors
 - > Management system, including charge controller(s)
 - > Panelboards
 - > HVAC/thermal management system
 - > Fire rated material
 - Storage batteries and battery storage systems shall comply with the following:
 - > BESS shall be listed in accordance with UL 9540.
 - > Chargers, inverters, and energy storage management systems shall be covered as part of the UL 9540 listing or shall be listed separately.
 - An approved energy storage management system shall be provided for battery technologies other than lead-acid and nickel cadmium for monitoring and balancing cell voltages, currents, and temperatures within the manufacturer's specifications. The system shall transmit an alarm signal to an approved location if potentially hazardous temperatures or other conditions such as short circuits, over voltage or under voltage are detected.

Fire Requirements

- BESS installations in one to two family residential dwellings must comply with the following:
 - > Individual BESS units shall have a maximum rating of 20kWh.
 - > Individual BESS units shall be separated from each other by a minimum of 3 feet unless smaller separation distances are allowed per manufacturer's instructions and based on large scale fire testing complying with requirements set forth in the applicable fire code.
 - > Individual BESS units installed outdoors on exterior walls shall be located a minimum 3 feet from doors and windows.
 - > Interconnected smoke alarms shall be installed throughout areas where BESS are installed. Where BESS are installed in an area where smoke alarms cannot be installed in accordance with their listing, an interconnected listed heat alarm shall be installed and be connected to the smoke alarm system.

- > Indoor installations of BESS that include batteries that produce hydrogen or other flammable gases during charging shall meet the exhaust ventilation requirements set forth in the applicable fire code.
- > BESS that have the potential to release toxic or highly toxic gas during charging, discharging, and normal use conditions shall be installed outdoors.
- > Rooms and areas containing energy storage systems shall be protected on the system side by fire-resistant construction.
- > Energy storage systems installed in a location subject to vehicle damage shall be protected by approved barriers.

Structural Requirements

- If the battery energy storage system is wall mounted and its weight is 200 lbs. (or more), provide structural details in the drawings and calculations as a separate document (Uniform Code).
- If multiple battery energy storage systems are installed and the combined weight is 400 lbs. or more, provide structural details in the drawings and calculations as a separate document (Uniform Code).

PLAN REVIEW

Permit applications can be submitted to Village of Horseheads Code Enforcement Department in person at Horseheads Village Hall, 202 S. Main Street, Horseheads, NY 14845, and electronically via email to jburgess@horseheads.org or ryoung@horseheads.org.

FEES

Tier 1 BESS - \$100
 Tier 2 BESS - \$500
 Tier 3 BESS - \$1,000

DEPARTMENTAL CONTACT INFORMATION

Once all permits to construct the battery energy storage system installation have been issued and the system has been installed, it must be inspected before final approval is granted for the battery energy storage system. On-site inspections can be scheduled by contacting the Code Enforcement Department by telephone at (607) 739-5691, #2 or electronically at jburgess@horseheads.org or ryoung@horseheads.org.

Inspection requests received within business hours are typically scheduled by third party providers of inspection services. Approved inspectors are: Commonwealth Electrical Inspection Services, NYS Board of Underwriters, Midland Department Inspection Agency, Inc., and NY Atlantic-Inland, Inc.

In order to receive final approval, the following inspection is required:

FINAL INSPECTION: The applicant must contact the Code Enforcement Department when ready for a final inspection. During this inspection, the inspector will review the complete installation to ensure compliance with codes and standards, as well as confirming that the installation matches the records included with the permit application. The applicant must have ready, at the time of inspection, the following materials and make them available to the inspector:

- Copies of as-built drawings and equipment specifications, if different than the materials provided with the application.
- Photographs of key hard to access equipment.

The Village of Horseheads has adopted a standardized "Battery Energy Storage System Inspection Checklist", which is attached.

DEPARTMENTAL CONTACT INFORMATION

For additional information regarding this permit process, please consult our departmental website at www.horseheads.org or contact the Code Enforcement Department at 607-739-5691.

ELECTRICAL CHECKLIST

Battery Energy Storage Systems



Applicable Codes: NEC 2017,

The information provided in this document is general and intended as a guide only. Each project is unique and additional requirements may be enforced as deemed appropriate.

Project Information	
Permit Number	
Primary Contractor	
Project Address	
Date	

Pre-Inspection	
	De-energize electrical panels prior to removing the dead-front. All equipment shall be open and ready for inspection
	The approved plans, permit, and installation instructions shall be on site at time of inspection
	Major changes, including revisions, to the installation shall be submitted to the AHJ for review and approval prior to inspection.

Inspection

General	
	Exact match of component product number and rating with plan
	All equipment shall bear the appropriate listing mark of a Nationally Recognized Testing Laboratory where such marking is required as part of the listing, and installed in accordance with its listing (NEC Article 110.3(B))
	Battery energy storage system includes a manual (system description, operating and safety instructions, maintenance requirements, safe battery handling requirements/recommendations)
	A personnel door(s) intended for entrance to and egress from rooms designed as BESS rooms shall open in the direction of egress and shall be equipped with listed panic hardware, (NEC 706.10(D))
	Provide sufficient working spaces and clearances for batteries. Working space shall be measured from the edge of the battery cabinet, racks, or trays, (NEC 480.9, 110.26)
	Spaces about the ESS shall comply with NEC 110.26. Working space shall be measured from the edge of the ESS modules, battery cabinets, racks, or trays, (NEC 706.10(C)) <ul style="list-style-type: none">For battery racks, there shall be a minimum clearance of 1 inch between a cell container and any wall or structure on the side not requiring access for maintenance.ESS modules, battery cabinets, racks, or trays shall be permitted to contact adjacent walls or structures, provided that the battery shelf has a free air space for not less than 90% of its length.Pre-engineered and self-contained ESSs shall be permitted to have working space between components within the system in accordance with the manufacturer's recommendations and listing of the system.

Equipment	
	Flexible Battery DC conductors are listed as hard service use and/or moisture resistant, (NEC 690.74, 706.32)
	Fine stranded flexible cables (if used) terminated in accordance with NEC 110.14, (NEC 110.14, 706.32)
	Ungrounded conductor is not marked using white, grey, or white striped conductors to avoid confusion with grounded conductor markings, (NEC 200.7)
	Electrochemically dissimilar metals are not in direct physical contact, (NEC 110.14)
	All connections shall be secure, (NEC 110.14, 706.31)
	All metallic raceways and equipment shall be bonded and electrically continuous, (NEC 110.3(B), 250.8)
	Unused opening shall be close with protection equivalent to the wall of enclosure, (NEC 110.3(B), 408.7)
	The selected wiring methods are appropriate for the location and installed in accordance with their intended use, (NEC 310, 706)
	All live parts of batteries must be guarded regardless of voltage or battery type, (NEC 706.10(B))
	Batteries' live parts shall be guarded in accordance with (NEC 110.27, 480.10(B))
	Verify that the attachment of the battery storage unit to the wall or floor is per the approved plans. If the wall or floor construction differs from the approved plans, a revision is required prior to inspection

Grounding	
	Any conductive battery racks, cases or trays must be connected to an equipment grounding conductor. (NEC 250.110)
	Equipment grounding conductor is properly identified as either bare, green, or green with continuous yellow stripe(s), (NEC 250.119)
	If there is no existing AC grounding electrode, the ESS contractor shall install (2) ground rods at the main electrical service. If there is only (1) ground rod, a second one shall be installed. Ground rods shall be a minimum of 6' apart, (NEC Exhibit 250.25, Article 250.53, 706)

Main Electric Service	
	Circuit breakers shall be of the same manufacturer as the main service panel, (NEC 110.3)

Ventilation	
	Provide adequate ventilation for batteries per manufacturer's requirements. (NEC 706.10(A))
	Batteries/enclosures contain ventilation equipment to prevent excessive accumulation of gas pressure and/or gas ignition, (NEC 706.10)

Connections and Terminations	
	Cell terminations have measures taken to prevent corrosion
	Electrical connections do not put mechanical strain on battery terminals, (NEC 706.31, 110.14(A))
	Overcurrent protection of ungrounded conductors shall have overcurrent protection device(s) located as close as practicable to the battery terminals in an unclassified location, (NEC 480.5, 706.7)
	Battery circuit and equipment shall be protected by overcurrent protective devices as close as practicable to the storage battery terminals in accordance with the requirements of NEC Article 240, (NEC 240.21(H), 705.65(A))
	Unless the short-circuit currents from all sources do not exceed the ampacity of the conductors, storage battery inverters shall be protected by overcurrent protective devices from all other sources, (NEC 705.65(A))
	A listed current-limiting overcurrent protective device shall be installed adjacent to the ESS for each dc output circuit, (NEC 706.21(C))
	In an ac-coupled system, the plug-in type circuit breaker connected to the output of the storage battery or multimode inverter is required to be secured, (NEC 408.36(D), 710.15(E))
	Storage battery, multimode, and utility-interactive inverter output circuit breakers that are marked "Line" and "Load" are not permitted to be back-fed, (NEC 710.15(E), 110.3(B), 705.12(B)(4))
	Single 120-volt inverter in ac coupled systems should not supply back-up loads containing multiwire branch circuit or any 240 volt outlets. Such action can overload the common neutral in such a wiring method, (NEC 710.15(C))

Monitoring and Charge Control	
	Charge controllers shall be compatible with the battery or ESS manufacturer's electrical ratings and charging specifications, (NEC 110.3(B))
	Charge controller is properly installed to prevent overcharging or damaging batteries, (NEC 690.72, 706.23)
	Diversiary charge controllers with utility-interactive and multimode inverters shall have a second independent controller to prevent battery overcharge in the event the diversion loads are unavailable, or the diversion charge controller fails, (NEC 706.23(B)(3)(b))

Disconnecting Means	
	A disconnecting means is provided for all ungrounded conductors derived from a dc stationary battery system with a voltage of over 60 volts dc, (NEC 480.7)
	A disconnecting means shall be provided for all ungrounded conductors derived from an ESS. A disconnecting means shall be readily accessible and located within sight of the ESS, (NEC 706.7(A))
	Battery circuits subject to field servicing where exceeding 240 volts nominal between conductors or to ground, shall have provisions to disconnect the series-connected strings into segments not exceeding 240 volts nominal for maintenance by qualified persons. Non-load-break bolted, or plug-in disconnects shall be permitted, (NEC 706.30(B))
	ESS exceeding 100 volts between conductors or to ground shall have a disconnecting means, accessible only to qualified persons, that disconnects ungrounded and grounded circuit conductor(s) in the electrical storage system for maintenance. This disconnecting means shall not disconnect the grounded circuit conductor(s) for the remainder of any other electrical system. A non-load-break-rated switch shall be permitted to be used as a disconnecting means, (NEC 706.30(C))
	Where battery energy storage system input and output terminals are more than 5ft from the connected equipment, or where these terminals pass through a wall or partition must comply with all of NEC 706.7(E), <ul style="list-style-type: none"> (1) A disconnecting means shall be provided at the energy storage system end of the circuit. Fused disconnecting means or circuit breakers shall be permitted to be used. (2) A second disconnecting means located at the connected equipment shall be installed where the disconnecting means required by 706.7(E)(1) is not within sight of the connected equipment. (3) Where fused disconnecting means are used, the line terminals of the disconnecting means shall be connected toward the energy storage system terminals. (4) Disconnecting means shall be permitted to be installed in energy storage system enclosures where explosive atmospheres can exist if listed for hazardous locations. (5) Where the disconnecting means in (1) is not within sight of the disconnecting means in (2), placards or directories shall be installed at the locations of all disconnecting means indicating the location of all other disconnecting means. (NEC 706.7(E))
	Where a disconnecting means, located in accordance with NEC 480.7(A) (out of sight of the battery storage system), is provided with remote controls to activate the disconnecting means and the controls for the disconnecting means are not located within sight of the stationary battery system, the disconnecting means shall be capable of being locked in the open position, (NEC 480.7(B))
	The equipment grounding lug shall be as specified by the manufacturer,(NEC 110.3(B))
	Remove any insulating finish, such as paint, under the equipment grounding lug prior to installation (NEC 250.8, 250.12)
	Maximum height requirements for disconnects applies to integrated disconnect (e.g., Tesla PowerWalls or similar applications)

Interconnection	
	The interconnection methods comply with NEC Article 705.12 (if connected to other energy sources)

Signage	
	<p>The signage shall be in compliance with ANSI Z535 and shall include the following information</p> <ol style="list-style-type: none"> 1. Labeled “Energy Storage Systems” with symbol of lightning bolt in a triangle 2. Type of technology associated with the ESS 3. Special hazards associated 4. Type of suppression system installed in the area of the ESS 5. Emergency contact information
	A permanent plaque or directory denoting the location of all electric power source disconnecting means on or in the premises shall be installed at each service equipment location and at the location(s) of the system disconnect(s) for all electric power production sources capable of being interconnected. The marking shall comply with NEC 110.21(B) (NEC 706.11)
	Equipment containing overcurrent devices in circuits supplying power to a busbar or conductors supplied from multiple sources shall be marked to indicate the presence of all sources. (NEC 705.12(B)(3))
	PV system output circuit conductors shall be marked to indicate the polarity where connected to battery energy storage systems. (NEC 690.55)
	DC system conductors of 4 AWG or larger shall be identified using colored marking tape, (NEC 210.5(C)(2))
	Where controls to activate the disconnecting means of a battery are not located within sight of a stationary battery system, the location of the controls shall be field marked on the disconnecting means. (NEC 480.7(B))
	Where controls to activate the disconnecting means of an ESS are not located within sight of the system, the disconnecting means shall be capable of being locked in the open position, in accordance with 110.25, and the location of the controls shall be field marked on the disconnecting means. (NEC 706.7(B))
	<p>Where the sum of the ampere ratings of all overcurrent devices on panelboards, both load and supply devices, excluding the rating of the overcurrent device protecting the busbar, shall not exceed the ampacity of the busbar. The rating of the overcurrent device protecting the busbar shall not exceed the rating of the busbar. Permanent warning labels shall be applied to distribution equipment displaying the following or equivalent wording: (NEC 705.12(B)(2)(3)(c)):</p> <p style="text-align: center;">WARNING: THIS EQUIPMENT FED BY MULTIPLE SOURCES. TOTAL RATING OF ALL OVERCURRENT DEVICES, EXCLUDING MAIN SUPPLY OVERCURRENT DEVICE, SHALL NOT EXCEED AMPACITY OF BUSBAR.</p>
	<p>Where two sources, one a primary power source and the other another power source, are located at opposite ends of a busbar that contains loads, the sum of 125 percent of the power source(s) output circuit current and the rating of the overcurrent device protecting the busbar shall not exceed 120 percent of the ampacity of the busbar. The busbar shall be sized for the loads connected in accordance with Article 220. A permanent warning label shall be applied to the distribution equipment adjacent to the back-fed breaker from the power source that displays the following or equivalent wording: (NEC 705.12(B)(2)(3)(b)):</p> <p style="text-align: center;">WARNING: INVERTER OUTPUT CONNECTION; DO NOT RELOCATE THIS OVERCURRENT DEVICE.</p>
	All battery and battery management equipment and associated switchgear are marked and labeled according to all applicable codes, including arc flash incident calculations for the safety of operation and maintenance personnel required by the National Electrical Code and OSHA: (NEC 110.16)
	<p>If a battery dc disconnecting means is not provided at the batteries, the disconnecting means shall be legibly marked in the field. The marking shall be of sufficient durability to withstand the environment involved and shall include the following (NEC 480.7(D)):</p> <ul style="list-style-type: none"> • Nominal battery voltage • Maximum available short-circuit current derived from the stationary battery system • Date the calculation was performed for the value above • The battery disconnecting means shall be marked in accordance with 110.16



SITE PLAN APPLICATION

PROJECT INFORMATION

Name of Proposed Development CHAMBERLAIN ACRES			Date 3-17-2020
Address 824 BROADWAY ELMIRA NY			
Tax Map #			Zoning District
Setbacks	Front	Side	Rear
Describe Project POLE BARN 40' X 80' NITH 2 BATHROOMS			

APPLICANT

Name CHAMBERLAIN ACRES			
Address 824 BROADWAY			
City ELMIRA	State NY	Zip 14904	
Phone 607-737-1313		Email INFO@CHAMBERLAINACRES.COM	

OWNER (if different)

Name CHARLES TODD			
Address 824 BROADWAY			
City ELMIRA	State NY	Zip 14904	
Phone 607-331-4145		Email CTODD824@YAHOO.COM	

PROPOSAL DATA (must fill in all information)

Days and Hours of Operation	Mon-Sun 8:00am-6:00pm
# of Parking Spaces	40
# of Handicap Parking Spaces	2
# of Employees	2
# of Daily Customers (estimated)	200
# of Vehicles on Lot (automotive business)	N/A

Handicap Access	
# of Signs	Size Location
Type of Outside Lighting	N/A
Type of Buffer (fence, bushes, etc.)	BUSHES & TREES
Disposal of garbage and/or debris	PRIVATE HAULER
Stormwater drainage	N/A
Water/Sewer/Septic	TO BE DETERMINED

OTHER PERMITS NEEDED (CHECK ALL THAT APPLY)

<input type="checkbox"/> Town of Southport Building Permit	<input type="checkbox"/> CC Sewer District
<input type="checkbox"/> Town of Southport Driveway Permit	<input checked="" type="checkbox"/> Dept. of Health Water/Septic
<input type="checkbox"/> NYSDOT	<input type="checkbox"/> SWPPP
<input type="checkbox"/> CC DPW-driveway permit	<input type="checkbox"/> NYSDEC-SPDES
<input checked="" type="checkbox"/> Elmira Water Board	<input type="checkbox"/> Other: _____

CERTIFICATION

I (We) hereby make application for a Site Plan Approval declaring that the information contained in this application is accurate and correct to the best of my (our) knowledge, and that property described above and indicated on a Concept/Preliminary/Final Plan is in my (our) legal, uncontested ownership, without any outstanding rights, reservations, or other encumbrances, which could nullify the intended use as shown. I (We) understand that a provision of laws and ordinances covering this application will be complied with whether specified or not. This application does not presume to give authority to violate or cancel provisions of any local law regarding this application, and/or construction regarding this application. I/we understand that this application may require additional fees and expenses, at my/our expense, for preparation of necessary environmental, engineering and planning studies. I (We) understand that I (We) can not operate or start the project applied for herein until such time as the Town of Southport grants approval and all necessary permits are secured.

Signature of Applicant Charles H Todd Date 3/17/2020

Property Owner Charles H Todd Date 3/17/2020



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue, Elmira, NY 14904

607.737.5268

www.townofsouthport.com

Site Plan Review Procedure

Site Plan procedure requires a Public Hearing to be held. Procedure on what you will need to do for the Public Hearing will be provided to you. The Town will also post a sign on the site plan property stating the date and time of the Public Hearing. It will take at least two meetings before you will have the Planning Boards decision on your application. Please follow the procedure listed below.

If the Site Plan application is approved, a Building Permit is required for any construction, renovations, or alterations. All commercial projects will require stamped architect prints. Discuss your project fully with the Code Enforcement Officer.

The Planning Board, subject to the approval of the Town Board, may require an applicant for site plan review to deposit in an escrow account a reasonable amount established by the Planning Board to pay the fees and/or costs of any consultant, engineer, or attorney designated by the Town Board to review the application. The fees and/or costs charged by such consultant, engineer, or attorney in connection with such review will be charged against the sum deposited in escrow. If specific circumstances warrant it, additional funds will be required to be deposited in order to cover reasonable expenses incurred beyond the original estimate. Any amount remaining shall be returned to the applicant within 45 days of final action on the application. Payment to the escrow account, if required, is a prerequisite to a complete application, and no review will be initiated until payment is received. The deposit specified above does not include all approvals or fees required from or by agencies other than the Town, costs associated with extensions to districts to provide necessary services to the proposal nor fees charged by Town departments or boards for permits, approvals, hearings, or other actions, except as noted above. (Town Code §525-65 Professional assistance)

1. Fill out attached Site Plan application.
2. Write a letter to the Planning Board explaining your site plan request.
3. Fill out attached State Environmental Assessment (SEQR) form.
4. Submit a property survey map depicting all Bulk & Density requirements and actual dimensions. Major projects will require full Site Plan drawings.
5. If you do not own the property, provide a letter from the Owner giving you permission for your project. If you are buying the property, provide copy of purchase offer agreement (cost may be redacted).
6. Application fee. Make check payable to "Town of Southport".
 \$75.00 Minor Site Plan Review \$150.00 Major Site Plan Review

Submit all paperwork to our office by the 3rd Wednesday of the month.

(Incomplete or late Applications will be put on the next agenda.)

First meeting is at 7:00 p.m. at the Town Hall on _____
(You or your representative must attend all meetings.)

Some applications may need to be referred to the Chemung County Planning Board.

3/18/2020

4/6/2020

ACKNOWLEDGEMENT

I/we hereby certify that I/we have read the instructions and received a copy. I/we understand that a provision of laws and ordinances covering this application will be complied with whether specified or not. Instructions specified here do not presume to give authority to violate or cancel provisions of any other law or local law regulating this application and/or construction or performance of construction relating to this application. I/we understand that this application may require additional fees and expenses, at my/our expense, for preparation of necessary environmental, engineering and planning studies. I/we understand that I/we cannot operate or start the project applied for herein until such time as the Town of Southport grants approval and all necessary permits are secured.

Applicant signature

Chambers

Date

3/17/2020

Address

824 BROADWAY ELMIRA NY 14904

Phone

607 737-1313

Email

~~info~~ INFO@CHAMBERLAINACRES.COM

February 20, 2020

RE: Chamberlain Acres/Charlie Todd

Dear LAWYER:

I have been retained to represent Charlie Todd and Chamberlain Acres LLC with respect to a potential zoning issue in the Town of Southport.

BACKGROUND

Charlie Todd has owned a 3.5 parcel of land located at ADDRESS in the Town of Southport since 2007.

In the fall of YEAR, Mr. Todd approached the Town of Southport about opening a commercial garden center on the property. He was initially informed that the garden center project would be acceptable as the land was zoned "Commercial-Residential". Mr. Todd was told he could likely open his business the following spring.

However, just before the garden center was slated to open and after Mr. Todd had invested nearly \$50,000 in infrastructure – including a road and a parking lot – as well as inventory, he was informed that he needed to obtain a variance as the garden center was located on "Residential" property sandwiched between property that was zoned "Industrial" and "Commercial". In other words, at some point the Town of Southport had zoned the portion of the parcel where Mr. Todd's home is located as "Commercial", and the vacant land where the garden center had been erected as "Residential." Thankfully Steve Barnstead, the Town of Southport's attorney at the time, recognized the property had been zoned erroneously and allowed Mr. Todd to open the garden center after a very stressful few months working through this issue.

For the past thirteen years Mr. Todd has used the garden center for a variety of commercial endeavors: selling garden-related products; holding a weekly farmer's market as well as a bi-annual artisan market; hosting Junior League recruitment meetings; providing ceramic and craft classes as well as wreath-making classes during the winter; having birthday parties, wedding showers, baby showers, weddings and wedding receptions; and hosting farm-to-table dinners. In recognition of the success at Chamberlain Acres, Chemung County's Chamber of Commerce recognized it as a new business of the year and often references it in tourism publications.

Mr. Todd has always been mindful of his neighbor's privacy as well as sound coming from his events. A factory located directly next to the property allows Mr. Todd to use its 40+ car parking lot which is attached to our grounds and parking as well. To the best of Mr. Todd's knowledge, not one neighbor has ever contacted the police department or the Town of Southport officials stating that his events were too loud or unduly bothersome.

CURRENT ISSUE

Mr. Todd recently had a discussion with NAME, the Town of Southport's Code Enforcement Officer, about erecting a 60 foot by 80 foot building at his property located at ADDRESS (known "Chamberlain Acres") in order to provide an improved shelter for the farmer's market and many other programs and other events he holds on the property. It has taken Mr. Todd many years to obtain financing for what will likely be a \$100,000 project, and he eager to get to work.

However, Mr. Todd has been advised that there may be problems with his proposed project, and he might be

required to obtain a zoning variance. It is extremely unclear why a variance is necessary under these circumstances.

Please contact me at your earliest convenience to discuss this matter. Specifically, we are interested to know what laws in the Town of Southport would prevent Mr. Todd from undertaking this project in hopes of avoiding the unfortunate situation that manifested last time.

Sincerely,

Christina Sonsire
csonsire@ziffllaw.com

CMS:tlz

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

Instructions for Completing

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

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

Part 1 - Project and Sponsor Information			
Name of Action or Project: CHAMBERLAIN ACRES			
Project Location (describe, and attach a location map): 824 BROADWAY ELMIRA NY 14904			
Brief Description of Proposed Action: BUILD 60'X80' POLE BARN WITH 2 BATHROOMS AND KITCHEN			
Name of Applicant or Sponsor: CHARLES TODD		Telephone: 607-331-4145	E-Mail: CTODD824@YAHOO.COM
Address: 824 BROADWAY			
City/PO: ELMIRA NY		State: NY	Zip Code: 14904
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 type="checkbox"/> <input type="checkbox"/>
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:			<input checked="" type="checkbox"/> <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		3.5 acres	
b. Total acreage to be physically disturbed?		9.12 ACRES 4800 SQ FT	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		3.5 acres	
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 checked="" type="checkbox"/> Industrial <input checked="" 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? <i>WAS TOLD YES ORIGINALLY</i>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: _____	<input type="checkbox"/>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	<input type="checkbox"/>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <i>UNLESS IT IS POSSIBLE TO HOOK INTO SEWER ON CHAMBERLAIN ST.</i>	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input 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?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
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 checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>

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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>CHAMBERLAIN ACRES</u> Date: <u>3/17/2020</u> Signature: <u>[Signature]</u>		

Kitchen

16'

Storage

8' x 6' stud wall

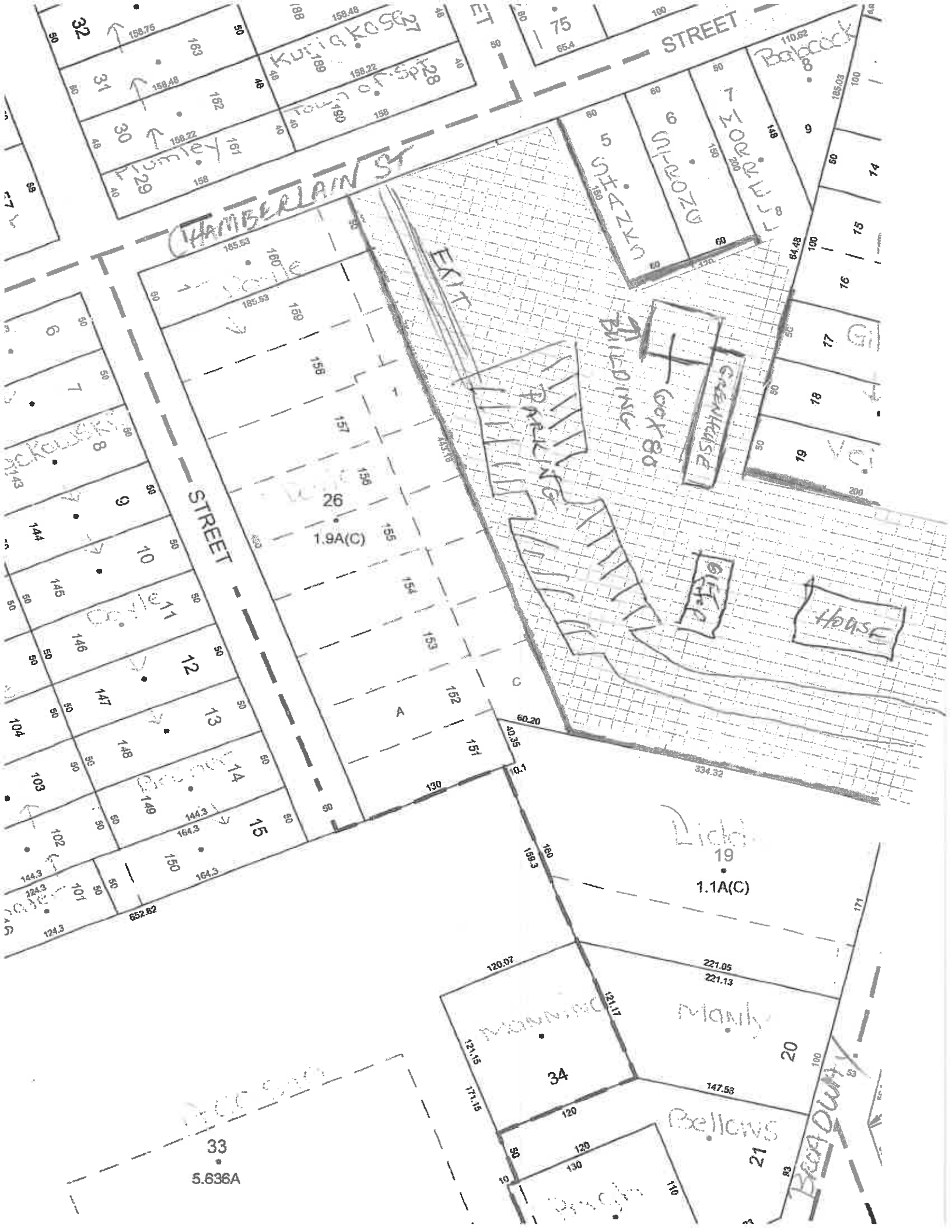
Bathroom

16'

Bedroom

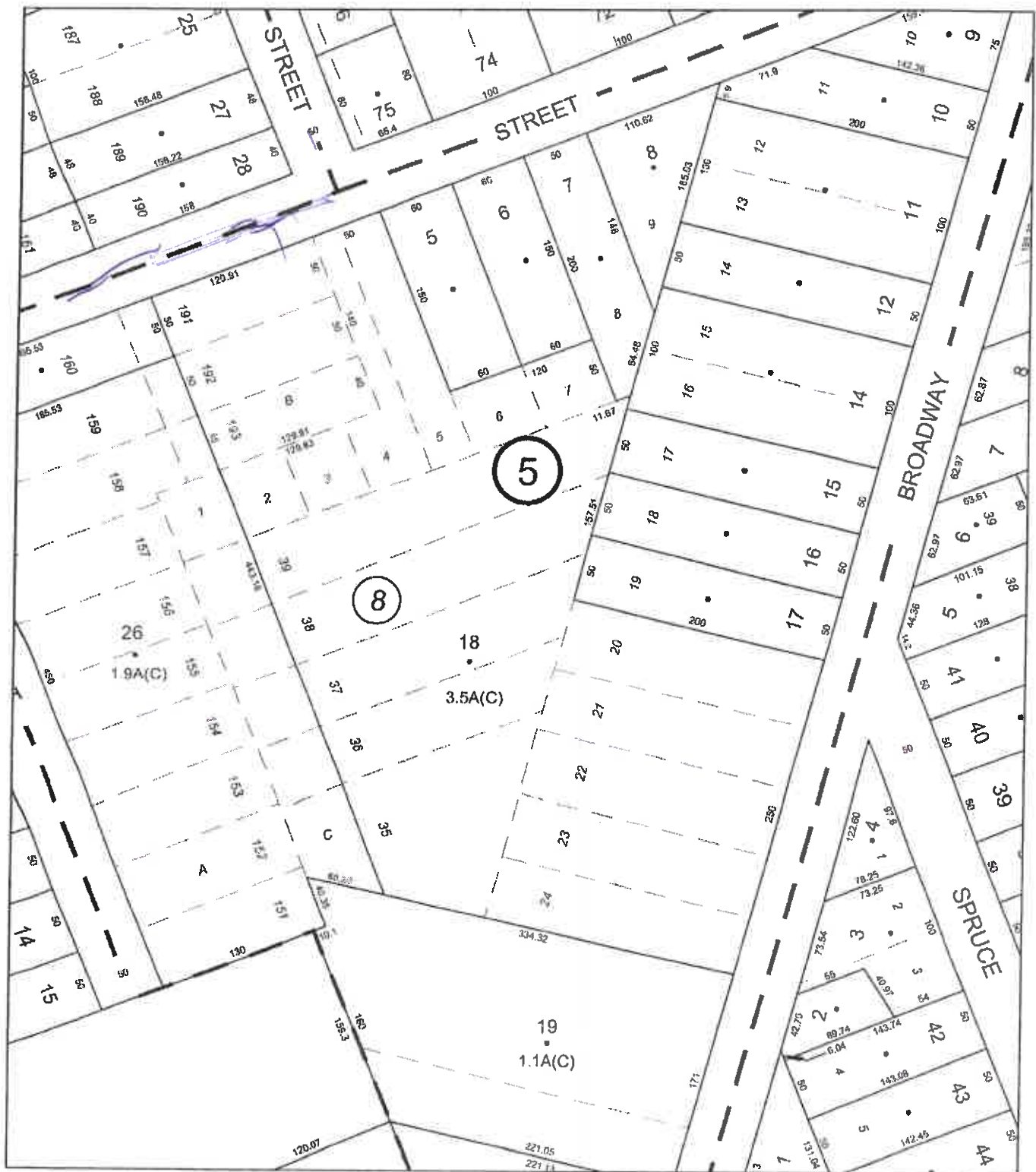
60'

801



Town of Southport

99.18-5-2,3,4 DELETED & MERGED W PCL 18



80 Main Building wo,

21	4/12 Pitch	60'	Trusses	3
32	3 PLV X 6"	Posts	20'	7
230	2 X 4	20'	Roof + side purlins	1
100	2 X 4	16'		
81	2 X 10	16'	Yellow Pine Headers + joists	2
24	2 X 6	12	bracing	12
100	2 X 6	8	stud wall	7
15	2 X 6	16	Plates	15
40	4 X 8	Sheets	Prv Max	3
20	pcs	approx 12'		
56	pcs	approx. 36'		2.30 Pe
90	pcs	approx. 16'		
30	pcs	F + J + 20' pcs.	channel #550	1
28	pcs	Base Trim		
28	pcs	2 Bar		
8	pcs	Ridge cap + uni vent		3
16	pcs	drip edges		8
12	pcs	18' 3 X 3 + Reg. corner		3
32	pcs	tascia		1
103	L. ft.	Soffit		3
10		Double Doors		62
		Fasteners + Roofing Screws		
10	PT	2 X 6	16	12
12	PT	2 X 6	10	12
75	Yds	Concrete + finish work		
		Insulation? Sheat Rock?		
		Studwalk between posts? Ceiling?		





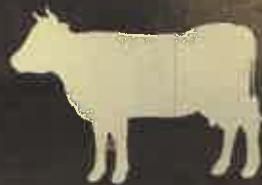
Year Round Farmers Market

Sundays 11:00 till 3:00

Join us Sundays year round for such items as meats, cheeses, vegetables, baked goods, jams and jellies, organic coffee, wine tastings, honey and maple syrup. Other items such as handmade creams, soaps, wooden bowls and spatulas and a variety of other handmade items.

We are slightly different than other markets, we require that the items sold at our market be either locally grown or handmade. So join us on Sunday, try a baked item with a cup of coffee. Check out the other vendors and buy some locally produced groceries. If you have to shop why not support your local farmers and get some quality foods. Ask the growers how they grow their foods or raise their animals, they are happy to share their methods.

Chamberlain Acres Farmers Market



We bring fresh to you.

607-737-1313

About Us

So what else do we do? We are a Florist, a greenhouse, a garden center, a gift shop, a great place to hold an event and we offer workshops on a variety of things.

We can arrange flowers for you for any occasion. Weddings, funerals, anniversaries, valentines, birthdays you name it, we've done it. If you have a big event coming up, come see us for a free quote.

We raise perennials and annuals. Our love is perennials and we always have a nice variety of them. Come see us in the spring for all your flower needs. We have perennials available all season. Mums in the fall, Easter plants in the spring and of course Holiday plants for the holidays.

In our gift shop we carry mostly handmade items from local people. We like to support local and small businesses. You will also find succulents and other house plants in the shop.

Some of the workshops we offer are flower arranging, evergreen wreath or boxwood tree making, design and paint a ceramic plate, felting, water colors and making things with gourds. These workshops are taught by us or local artisans. We usually offer them to the general public but you can arrange for your own private workshops. Call for details.

Last but not least our greenhouse when it is not being used for growing we use it for these workshops or you can rent it for your own party, wedding or meeting. Call for more information.

Chamberlain Acres Farmers Market

824 Broadway

Elmira, NY 14904

www.chamberlainacres.com





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

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 _____

Referring Official: _____ Title: _____

Address: _____

Phone Number: _____ E-mail: _____

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

Petitioner(s): _____ Phone: _____

Petitioner's Mailing Address: _____ E-mail: _____

Location of Property: _____

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 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): _____
- ☐ (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		
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.



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
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: Tina McGrane Title: Deputy Town Clerk, Planning Board Secretary

Address: 150 Wygant Rd, Horseheads, NY

Phone Number: 607-739-8783 E-mail: tmcgrane@townofhorseheads.org

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

Petitioner(s): Jason Gleason Phone: 607-481-0041

Petitioner's Mailing Address: 1871 Grand Central Ave. E-mail: jgleason003@gmail.com
Horseheads, NY

Location of Property: 1871 Grand Central Ave., Horseheads, NY

Tax Map Parcel Number(s): 69.14-1-26

Current Zoning District: Business

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 type="checkbox"/> Zoning Text Amendment |
| <input checked="" 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):

Jason Gleason would like to open a small used car lot

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.R. 66
- ☐ (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		
Planning Board/Planning Commission		4/8/2020
City Council		

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

"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).
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- _____ 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 HORSEHEADS
SPECIAL PERMIT APPLICATION**

150 WYGANT ROAD
HORSEHEADS, NY 14845

#873
RECEIVED
FEB 25 2020
TOWN CLERK'S OFFICE

APPLICANT: Jason W. Gleason (DBA Gleason's Auto Sales)
1871 Grand Central Ave.
Elmira Heights STATE N.Y. ZIP 14903
PHONE# 607-481-0041 FAX# 607-767-0531
EMAIL ADDRESS: jgleason003@gmail.com

OWNER: (IF DIFFERENT) Jason W. Gleason
189 Lenox Ave. Elmira Heights N.Y. 14903
STATE N.Y. ZIP 14903
PHONE # 607-481-0041 FAX# 607-767-0531

PROPERTY NAME AND LOCATION: Gleason's Auto Sales
1871 Grand Central Ave. Elmira Heights N.Y. 14903

TAX MAP# 3041

ZONING DISTRICT: _____

REASON FOR REQUEST: Looking into starting a small used car lot.

DESCRIPTION OF PRESENT USE OF PROPERTY:

The use of the building at 1871 Grand Central Ave. is a small office area for Comfort Zone Heating & A/C. The garage area would be used for the Auto Sale office and cleaning of cars.

DESCRIPTION OF PROPOSED USE OF PROPERTY:

I would like to stage 10 to 15 cars at the front road area. I would use the garage area for detailing the vehicles. The garage side of the building would have one sign (Gleason's Autosales) that would get prior approval through the town of Horseheads. All vehicles will be kept in a neat and orderly fashion.

1871 Grand Central Ave.
 Elmira Heights NY
 Jason Gleason 481-0041

TAX MAP REFERENCE
☒ ALL OF ☐ PART OF
 SECTION 69.14
 BLOCK 1
 PARCEL 26

TO:
 WILLIAM J. GOODWIN
 KATHLEEN M. GOODWIN
 PAUL A. SARTORI, ESQ.
 I hereby certify that this is a true and accurate survey, prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors.

Dated 1/22/1997
 Ronald L. Sholler, CCD
 Director, RPTS
 Section 505 (7)
 Certificate filed
 Pursuant to RPTL

FORMER D. L. & W. RAILROAD
 CENTERLINE OF WESTERLY TRACKS

Fiche 790 Page 13 Code D

DRAWN BY C.L.K. CHECKED BY E.L.G.
 SCALE 1" = 30' DATE AUG. 18, 1993
 REVISIONS
 JOB NO. 9471

TOWN OF HORSEHEADS
 CHEMUNG COUNTY
 NEW YORK

MAP OF LANDS OF
 MILDRED E. RANK

SUBDIVISION
 WELLS ASSOCIATES
 LICENSED LAND SURVEYORS
 HONOLULU, HAWAII
 SURVEYING & MAPPING

● = vehicle staying area that is all concrete
 ● = 1-4'x8' sign

RECEIVED
 FEB 25 2020
 TOWN CLERK'S OFFICE

114.06' + 80' = 194.06' total Road Frontage
 Lenox Ave. Grand Central
 Road Frontage