MUNICIPAL ZONING REFERRAL

REFERE	NCE: Sections 239 L & M of Article 12-B of the General Municipal Law of New York State.
FROM:	Town of Big Flats
	(State full name of Governmental Agency)
то:	CHEMUNG COUNTY PLANNING BOARD Chemung County Commerce Center 400 East Church St. Elmira, NY 14902-0588
SUBJEC	T: New Zoning Ordinance Zoning Ordinance Amendment Subdivision Plat Zoning Map Amendment Site Plan Approval X Special Use Permit Site Plan Amendment Variance (Area or Use) Other (Specify)
LAW: Town of	PLEASE CITE SECTION OF MUNICIPAL LAW THAT GOVERNS THE MATTER REFERRED:Big Flats Municipal Law 17.32
ENCLOS	SURE:
PETITIO PETITIO	NER: PRETERROLLANDSCAPING. DONALD "DU" MORSE, PO. BCX 404, CORNING, NY 14830 NER'S ATTORNEY:
CON	The proposal concerns. Zoning Referral Property Description/Location. STRUCTION OF HEADO APTERS PLDG TO HOUSE PREFERED LANDSOAPING BUSINESS PATIONS, VEHILLE STOPAGE PAYS, OFFICES AND GOLD STOPAGE ON VACANT PARCEL, Tax Map Parcel #: 67.0-1-3 LOCATED AT LAWIEL ZENKERBO, AND HIBBARD RD.
is locate	The reason for forwarding this referral to your Board for review and recommendation is that the property affected of within 500' of the: (PLEASE IDENTIFY EACH ITEM THAT YOU CHECK OFF BY FILLING IN THE APPROPRIATE AFTER SAID ITEM)
(E	A) Boundary of the (City), (Village) or (Town) of B) Boundary of the (Co. Park), (St. Park) or (Other recreation area)
X (D owned(i	Boundary of land upon which a Public Building or Institution is situated is (Co. Owned) or (State Owned)) Right-of-Way of Parkway, Thruway, Expressway or other Controlled-Access Highway that is (Co.) or (St.) include County or State Route # and name of Road)
	Boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances. (i)
mutually Chemun	It is understood that if no action is taken on the proposed change or other zoning action within 30 days or agreed upon extension of time, the referring municipality may proceed without recommendations by the g County Planning Board.
	re of Authorized Referring Official <u>Tom Whispel</u> ch Resolution) Title <u>Code Officer</u>

Town of Big Flats

Department of Planning

476 Maple Street Big Flats, NY 14814 T: 607-562-8443 http://www.bigflatsny.gov



Site Plan Application

This application form is required as part of any request to process a planning action involving the review of a proposed Site Plan. In addition, the Town of Big Flats Municipal Code requires specific material to be submitted with this form. A copy of the applicable sections of the code are available upon request. It is the applicants responsibility to ensure that application package are complete and accurate.

NOTE: AN INCOMPLETE APPLICATION CANNOT BE SCHEDULED FOR REVIEW Department Use Only: Preliminary Acceptance Date:____ Final Approval Date: Conditions ☐ Yes ☐ No Name of Proposed Development: PREFERRED LANDSCAPING HEADQUARTERS Applicant: Plans Prepared by: Name MR. DONALD "DJ" MORSE Name MARC MASER, PE (MASER A+E) Address 112 N. MAIN ST. Address P.O. BOX 404 CORNING, NY 14830 HORSEHEADS, NY 14845 Telephone 607-368-4525 Telephone 607-382-5378 **Actions Requested** Owner (If Different): ■ Site Plan Review Name _____ ☐ Site Plan Amendment Address ____ ☐ Area/Use Variance Requested (Additional Fees Apply) ☐ Special Use/RLO Permit Required (Additional Fees Apply) Telephone____ Ownership Intentions: ■ Purchase □ Lease □ Other: **Project Location:** Other Permits Needed: Dept. of Health -Water/Septic Parcel ID: 67.01-1-3 (all may not be applicable) Town of Big Flats DPW- Water Address: NONE YET ■ Chemung County Sewer District 42°08'58.0"N 76°55'28.3"W **■ NYSDEC- SPDES** □ NYS/ACOE-Wetlands Current Zoning: ABD \Box FAA □ NYSDOT Variance(s) Requested: NONE ■ Chemung County DPW-Driveway ■ Town of Big Flats DPW-Driveway Town of Big Flats Building Permit Proposed Use(s) of Site: GENERAL BUSINESS ☐ Other: Anticipated Construction Start Date: JANUARY 2020 Anticipated Completion Date: APRIL 2020 Will Construction be Phased: NO Current Land Use of Site (agricultural, commercial, residential, etc.): VACANT - FORMER FIELD

Character of Surrounding Lands (agricultural, residential, wetlands, etc.): GENERAL COMMERCIAL

Estimated/Projected number of daily customers, NO CUSTOMERS ARE EXPECTED	employees, residents, etc.:	
NO. OF EMPLOYEES RANGE DEPENDING ON THE SEASON AND	COULD BE FROM 5 - 20.	
Estimate/Projected Hours of Operation: 7:00AM - 5	:00PM	
three- or more bedrooms) and number of parking s	ea and total sales area; number of automobile and truck	
EQUIPMENT STORAGE = 3,600 SQ-FT		
WASHBAY = 600 SQ-FT		,
BREAK ROOM/OTHER = 600 SQ-FT		
Check one: ☐ Owner ☐ Power of Attorney* ☐ Contract to Purchase* ☐ Official Agent* ☐ Other:	I hereby certify that the above information and accompanying documents are truthful ad accur the best of my knowledge and acknowledge the processing of this application may require addifees and expenses, at my expense, for preparate	rate to at the itiona ion o
FEE SCHEDULE desidential: \$250.00* fon-Residential: \$500.00** foncept: \$200.00 (Fee goes toward full review)	necessary environmental, engineering and plan studies. Legal Owner/Official Agent Date Legal Owner/Official Agent Date	ning
add \$50.00 per 1,000 Sq. Ft. Gross Floor Area *add \$150.00 per 2.500 Sq. Ft. Gross Floor Area	Applicant (If Different) Date	
d Agency: Environmenty E	ntal Determination:	

Public Hearing:□ Yes □ No Date Advertised: _____ Date Conducted:

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.

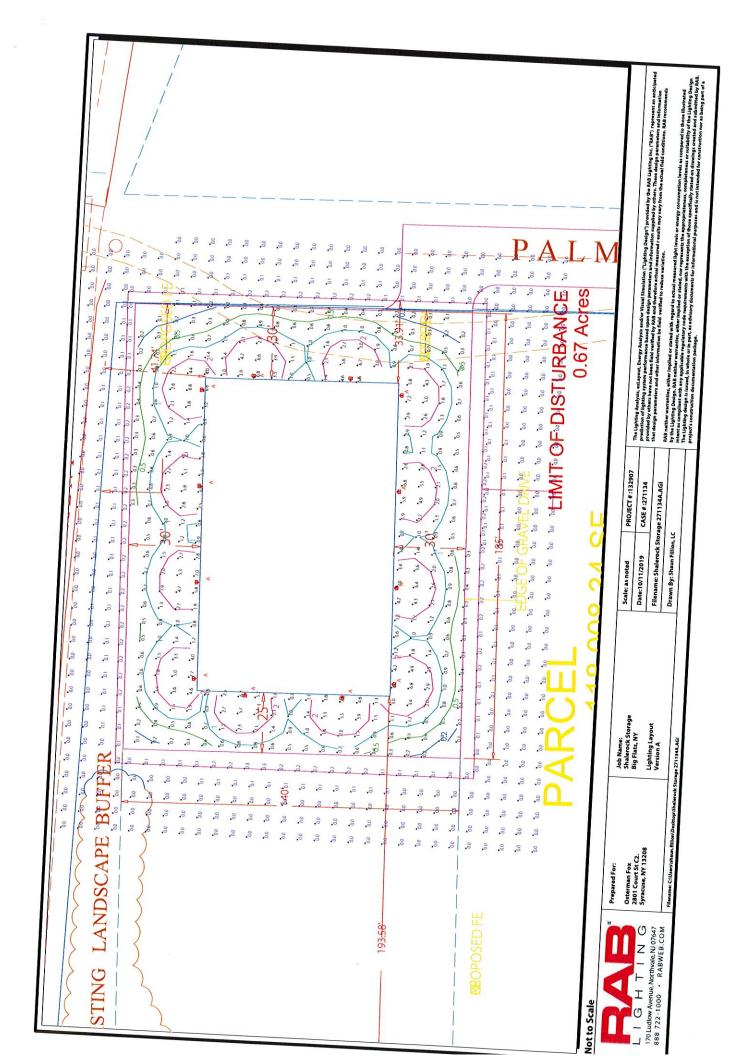
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information		
Name of Action or Project:		
PREFERRED LANDSCAPING HEADQUARTERS		
Project Location (describe, and attach a location map):		***
SE PARCEL OF DANIEL ZENKER DR. AND HIBBARD RD. (42°08'58.0"N 76°55'28.3"W)		
Brief Description of Proposed Action:		******************************
THE SCOPE OF WORK IN THIS PROJECT WILL CLEAR A PORTION OF THE VACANT PARCEL AND CONSTRUCT A 6,000 SQ-FT. PRE-FABRICATED METAL BUILDING WHICH WILL HOUSE THE PREFERRED LANDSCAPING HEADQUARTERS. THE STRUCTURE WILL INCLUDE VEHICLE STORAGE BAYS, OFFICES AND COLD STORAGE. THE PROJECT WILL ALSO PROVIDE A PAVED PARKING LOT AND GRAVEL ACCESS AREAS AROUND THE BUILDING.		
•		
Name of Applicant or Sponsor:	Telephone: 607-382-5378	8
PREFERRED LANDSCAPING	E-Mail: DJM.PREFERRE	EDLANDSCAPING@GMAIL.
Address:		
PO BOX 404	12	
City/PO:	State:	Zip Code:
CORNING	NY	14830
1. Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation?	l law, ordinance,	NO YES
If Yes, attach a narrative description of the intent of the proposed action and the e may be affected in the municipality and proceed to Part 2. If no, continue to ques		at 🗸 🗀
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: NYSDEC SPDES PERMIT		
a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	4.25 acres 2.50 acres 4.25 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:		
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercia	al Residential (subur	ban)
Forest Agriculture Aquatic Other(Spec		,
Parkland	<u></u>	

Page 1 of 3

5.	Is the proposed action,	NO	YES	N/A
	a. A permitted use under the zoning regulations?		√	
	b. Consistent with the adopted comprehensive plan?		\checkmark	
			NO	YES
6.	Is the proposed action consistent with the predominant character of the existing built or natural land	scape?		V
7.	Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental A	rea?	NO	YES
If Y	es, identify:		[]	П
8.	a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
	b. Are public transportation services available at or near the site of the proposed action?			
	c. Are any pedestrian accommodations or bicycle routes available on or near the site of the propo	sed		
	action?		V	
	Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If th	ne proposed action will exceed requirements, describe design features and technologies:			
10.	Will the proposed action connect to an existing public/private water supply?		NO	YES
	If No, describe method for providing potable water:			
				\checkmark
11.	Will the proposed action connect to existing wastewater utilities?		МО	YES
	If No, describe method for providing wastewater treatment:			
				\checkmark
12.	a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or	district	NO	YES
whi	ch is listed on the National or State Register of Historic Places, or that has been determined by the			
	nmissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing te Register of Historic Places?	on the		
arcl	b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for naeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?		$ \mathbf{V} $	
13.	a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, cont	ain	NO	YES
	wetlands or other waterbodies regulated by a federal, state or local agency?		$\overline{\mathbf{V}}$	
	b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody	?	<u></u>	
If Y	es, identify the wetland or waterbody and extent of alterations in square feet or acres:			
	<u> </u>			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?	\checkmark	
16. Is the project site located in the 100-year flood plan?	NO	YES
	\checkmark	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	\checkmark	
a. Will storm water discharges flow to adjacent properties?	✓	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	✓	
If Yes, briefly describe:		
to the impoundment of water	NO	YES
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	110	TES
If Yes, explain the purpose and size of the impoundment:	1	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility?		
If Yes, describe:	1	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
If Tes, describe.	\checkmark	Ш
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	ST OF	
Applicant/sponsor/name: DONALD "DJ" MORSE, OWNER, PREFERRED LANDSCAPING Date: 10/18/2019		
Signature:Title: OWNER		
Oignature		



Calculation Summary											
Label	CalcType	Units	Avg Max		Min	Avg/Min	Max/Min	Min Avg/Min Max/Min Description	PtSpcLr	PtSpcTb	PtSpcLr PtSpcTb Meter Type
Building Perimeter	Illuminance	Fc	1.76	7.7	0.1	17.60 77.00	77.00	Readings at 0 FT AFG	7		Horizontal
LOD Light Trespass	Illuminance	F	0.02 0.1	0.1	0.0	N.A.	N.A.	Readings at 0 FT AFG	7		Horizontal
LOD Perimeter	Illuminance	F.	0.14 0.3 0.0 N.A.	0.3	0.0		N.A.	Readings at 0 FT AFG	7	N.A.	Horizontal

			- 1/											
Building P	erimeter	=	ninance	Fc	1.76	7.7	0.1	1.76 7.7 0.1 17.60 77.00	77.00	Readings at 0 FT AFG		7	7	Horizon
LOD Light	Trespass	=	ninance	Fc	0.02	0.1 0.0	0.0	N.A.	N.A.	Readings at 0 FT AFG		7	7	Horizon
LOD Perin	neter	-Illu	ninance	Fc	0.14 0.3 0.0 N.A.	0.3	0.0		N.A.	Readings at 0 FT AFG		7	N.A.	Horizon
Luminaire	minaire Schedule	e.												
Symbol	Qty	Tag	Label		Lum. Lumens LLF Description	דו	F De	scription		Lum. Watts	Lum. Watts Total Watts Filename	Filename		
\	12	A	WPLED18	Ź	2624	1.1	000 W.	1.000 Wallpack 18W 5000K	300K	20.5	246	WPLED18 - DLF20180416001-17MOD50	180416001-17	MOD50

4 4 4		×	_	MTG HT	Orient	ĭ
4 4		725426.459	783220.503	12	06	0
4 ·	Γ	725386.474	725386.474 783219.406	12	06	0
		725346.484	783218.506	12	06	0
4		725306.494	783217.606	12	06	0
4		725432.694	725432.694 783199.908	12	0	0
4		725301.232	783196.74	12	180	0
4	0 - 1	725433.668 783159.92	783159.92	12	0	0
4		725302.206	725302.206 783156.752	12	180	0
4		725428.405	783139.152	12	270	0
Α 0		725388.418	725388.418 783138.145 12	12	270	0
4 4		725348.43	783137.139	12	270	0
2 A		725308.443	783136.132 12	12	270	0

NOTES:

"The light tes factor (LLJ) is a product of many variables, only limp limps depredation (LLD) has been applied to the solicitated result uniess otherwise stored. The LLD is the result (quotient) of mean lumens / intitle limmens per limp manufacturers' specifications.

Illumination values shown (in feotrandiss) are the predicted results for planes of calculation either fortizable, vertical or helined as designated in the calculation summary. Meter orientation is entered to the plane of calculation.

The calculated results of this lighting simulation represents a satisficated prediction of system
performance Actual measured results may usy from the anticipated performance and are subject
to means and methods which are beyond the control of RAB1 lighting inc.

Mounting height determination is job atte specific our lighting almulations assume a mounting the height (insertion point of the imminar symbol to be taken at the top of the symbol for calling the content imminates and at the bottom of the symbol for all other imminar mounting configuration.

It is the Owner's responsibility to confirm the suitability of the auditing or proposed poles and buses support the proposed affatures, based on the weight early for Jof the proposed fatures as and the owns attested conditionate and wind stook. It is recommended that a professional engineer licensed to practice in the state the afte is located the engaged to assist in this determination.

plants, training or any architectural interests to building, reams, plants, furnishings or any architectural six shich impacts designed by the statement decuments for including interests algebraiched by the statement of the statement and reserves the right to state best judgment when training may require the photoment when the statement of the statement the statement o The landscape material shown hereon is conceptual, and is not intended to be an accurate
parametation of any particular plant, Anth. buth, or tree, as these materials are living abjects,
and subject to constant change. The conceptual objects shown are for illustrative purposes only.
The actual illumination values measured in the field will vary.

* RAB Lighting Inc. luminaire and product designs are protected under U.S. and inter property laws. Patents issued or pending apply.

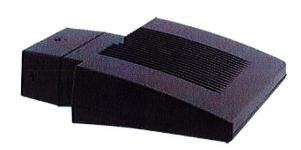


Job Name:	Shalerock Storage Big Flats, NY	Lighting Layout	Version A	

	PROJECT #:132907
Date:10/11/2019	CASE #:271134
Filename: Shalerock Storage 271134A.AGI	orage 271134A.AGI
Drawn By: Shaun Fillion, LC	יונ

Ī	
	The Lighting Analysis, ezLayout, Energy Analysis and/or Visual Simulation ("Lighting Design") provided by the RAB Lighting Inc. ("RAB") represent an anticipated
Т	prediction of lighting system performance based upon design parameters and information supplied by others. These design parameters and information
	provided by others have not been field verified by RAB and therefore actual measured results may vary from the actual field conditions. RAB recommends
Т	that design parameters and other information be fleid varified to reduce variation.

	RAB neither warranties, either implied or stated with regard to actual measured light levels or energy consumption levels as compared to those illustrated
ľ	by the Lighting Design. RAB neither warranties, either implied or stated, nor represents the appropriateness, completeness or suitability of the Lighting Design
	intent as compliant with any applicable regulatory code requirements with the exception of those specifically stated on drawings created and submitted by RAB.
	The Lighting design is issued, in whole or in part, as advisory documents for informational purposes and is not intended for construction nor as being part of a
	project's construction documentation parkets



Ultra-high efficiency LED 18 Watt wall pack, patent-pending thermal management system, 100,000 hour L70 lifespan, 5-year, no-compromise warranty.

Color: Bronze

Weight: 6.9 lbs

Project.	туре.
Prepared By:	Date:

Tymor

LED Info

Driver Info

Decisate

Туре	Constant Current	Watts	18.00W
120V	0.17A	Color Temp	5000K (Cool)
208V	0.11A	Color Accuracy	73 CRI
240V	0.09A	L70 Lifespan	100,000
277V	0.08A	Lumens	2,624
Input Watts	20.50W	Efficacy	128 LPW
Efficiency	88%		

Technical Specifications

Listings

UL Listing:

Suitable for wet locations. Suitable for mounting within 1.2m (4ft) of the ground.

DLC Listed:

This product is on the Design Lights Consortium (DLC) Qualified Products List and is eligible for rebates from DLC Member Utilities. DLC Product Code: P0000176N

IESNA LM-79 & LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

LED Characteristics

Lifespan:

100,000-hour LED lifespan based on IES LM-80 results and TM-21 calculations

LED:

Multi-chip, high-output, long-life LED

Color Consistency:

7-step MacAdam Ellipse binning to achieve consistent fixture-to-fixture color

Color Stability:

LED color temperature is warrantied to shift no more than 200K in CCT over a 5-year period

Color Uniformity:

RAB's range of CCT (Correlated Color Temperature) follows the guidelines of the American National Standard for Specifications for the Chromaticity of Solid State Lighting (SSL) Products, ANSI C78.377-2017.

Construction

Maximum Ambient Temperature:

Suitable for use in 40°C (104°F)

Cold Weather Starting:

Minimum starting temperature is -40°C (-40°F)

Thermal Management:

Superior heat sinking with external Air-Flow fins

Finish:

Our environmentally friendly polyester powder coatings are formulated for high-durability and long-lasting color

Reflector:

Semi-specular, vacuum-metalized polycarbonate

Gaskets:

High-temperature silicone gaskets

Housing:

Die-cast aluminum housing, lens frame and mounting arm

Mounting:

Heavy-duty mounting arm with "O" ring seal & stainless steel screws

Green Technology:

Mercury and UV free. RoHS-compliant components.

Other

Patents:

The design of WPLED18 is protected by US patent D608,040, Canada patent 138280, and China patent CN301649064S

Warranty:

RAB warrants that our LED products will be free from defects in materials and workmanship for a period of five (5) years from the date of delivery to the end user, including coverage of light output, color stability, driver performance and fixture finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Technical Specifications (continued)

Other

Replacement:

Replaces 150W Metal Halide

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Optical

BUG Rating:

B1 U0 G0

Driver:

Electrical

Constant Current, Class 2, 100-277V, 50/60 Hz, 4 kV surge protection, 500mA, 100-240VAC: 0.3-0.15A, 277VAC: 0.15A, Power Factor: 99%

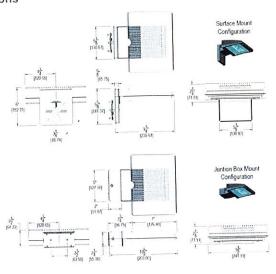
THD:

9.77% at 120V, 18.41% at 277V

Power Factor:

99.2% at 120V, 91.5% at 277V

Dimensions



Features

Ultra-high efficiency LED 18 Watt wall pack Replaces 150W Metal Halide Wall packs 100,00-Hour LED Lifespan 5-Year, No-Compromise Warranty

Ordering Matrix

Family

Wattage

Color Temp

Finish

Emergency Battery Backup

Options

Other Options

WPLED

18

18 = 18W Blank = 5000K (Cool) N = 4000K (Neutral) Y = 3000K (Warm) Blank = Bronze W = White Blank = No Battery Backup /E = Standard Battery Backup /EC = Battery Backup with Cold Start Blank = No Option /PC = 120V Button Photocell /PC2 = 277V Button Photocell USA = BAA Compliant Blank = Standard



October 29, 2019

Town of Big Flats Planning Board Attn: Thomas Whispel 476 Maple Street Big Flats, NY 14814

Preliminary Site Plan Review

Re:

Preferred Landscaping Headquarters Hibbard Road & Daniel Zenker Drive

Tax ID: 67.01-1-3

Application Materials Received – October 18, 2019 Planning Board Meeting – November 5, 2019

Project Description

The applicant has submitted a Site Plan application to construct a 60'x100' (6,000 square feet) metal slab on grade building with additional 3,200 square feet of cold storage and associated parking on an existing vacant lot. The project includes perimeter fencing, outdoor material storage bins, landscaping, lighting and a monument sign. The project is within the Airport Business Development (ABD) Zone. The proposed use would be considered General Business Office which is a permitted use through site plan approval in the ABD Zone.

The applicant has submitted the following to date:

- Site Plan Application
- SEQR Short Form EAF
- Site Plan Drawings consisting of twenty-three (23) sheets, prepared by Maser Architecture and Engineering dated October 18, 2019

Applicable References to Town Code & Comments

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

17.12.010

Use Requirements

A general business office is a permitted use under site plan approval in the Airport Business Development Zone (ABD) Zone.

17.16.020(K)(1)

Bulk and Density Control Requirements

A percentage of lot coverage was not given for the project and is listed as "TBD". It appears the project will be under the maximum lot coverage of 50% but should be confirmed by the applicant. This project complies with all other bulk and density control requirements of the ABD Zoning District.



17.24.020 Aquifer Protection Overlay District

The project is within Area II of the Aquifer Protection Overlay District. As a result, the following restrictions are required as the proposed use is dealing with landscaping equipment and storage. These items shall be made conditions of final site plan approval.

- A. Open storage of pesticides, herbicides and fungicides is prohibited
- B. Bulk storage of salts, except in a water-tight structure
- C. Applicant shall comply with all local, state and federal requirements concerning storage, use and disposal of any toxic substances, hazardous materials and hazardous wastes.
- D. Petroleum bulk storage facilities installed above or below ground shall comply with New York State Department of Environmental Conservation requirements.
- E. A list of all toxic substances, hazardous materials, or hazardous waste known to be used or stored on site shall be provided by the applicant to the Code Enforcement Officer prior to issuance of final site plan approval.
- F. Floor drains shall be connected to a holding tank with an oil and grit separating tank. The applicant has indicated on the plans that this is proposed.
- G. Waste collecting in a holding tank shall be disposed of through a licensed waste hauler.
- H. Waste degreasing solvents shall be stored in drums or a holding tank and disposed of through a licensed waste hauler.
- I. Waste oil shall be stored in tanks or drums for disposal by a licensed waste hauler.
- J. Application of pesticides, herbicides, fungicides or chemical fertilizers shall be performed in accordance with the recommendation and label of the manufacturer.
- K. Property owners who enlist the services of a commercial pesticide, fungicide, or herbicide applicator shall ensure that the applicator is certified and licensed by the New York State Department of Environmental Conservation.

17.32.090 (D) Preliminary Plan Requirements

The applicant has provided sufficient items required under this section in order to complete a concise review of the project. We recommend the Planning Board deem the application complete. However, several items noted within the review letter need to be addressed by the applicant.

17.36.060 Fence

Applicant is proposing a 4' high black chain link fence with slats along a portion of the southern and eastern edges of the project. A lockable gate is proposed at the entrance off of Hibbard Road.

• The applicant should provide additional information on the purpose of this fence and why the fence stops at random locations.

17.36.240 Outdoor Lighting Requirements

Applicant has provided a lighting plan However, the following items need to be provided by the applicant:

- Isolux lines have been provided but actual foot-candle levels have not been included to determine if lighting is compliance with this section.
- Details for light fixtures has not been provided.



17.37 Stormwater Management and Erosion and Sediment Control

- This project will disturb over 1 acre and will require an NOI for coverage under the SPDES program and will
 require the preparation of the SWPPP. The SWPPP will be reviewed by the Chemung County Stormwater
 Coalition. A copy of the SWPPP shall be provided to the Town for review. The applicant shall attend a preapplication meeting with the Coalition to review stormwater management prior to the submission of the
 SWPPP.
- The site is located in the Aquifer Protection Overlay District and requires that the bottom of the proposed
 infiltration basin be separated by at least four feet vertically from the seasonally high-water table or bedrock.
 The applicant has not provided any information on the depth of the water and the design of the stormwater
 management system to show compliance with this section.
- The Construction Sequence noted on Sheet G-102 does not appear to be consistent with the proposed project nor is it consistent with the sequence noted on C-509. The engineer should review this for consistency with the sequence for the proposed project.

17.48 Off-Road Parking and Loading Requirements

- Section 17.48.010(B)(8) Office, general business or professional use requires two and one half spaces per 1,000 square feet of gross floor area dedicated to the use. For the 6,000 sf building this would require 15 parking spaces. The applicant is proposing 16 parking spaces including 1 ADA parking space. The applicant has not included parking for the cold storage area. Comparable sections of the code require 1 space per 3,000 square feet of outside storage yards. It is our opinion that the proposed parking is compliant with this section.
- The applicant has provided a vehicle loading area that meets the dimension requirements of this section.
- Per Section 17.48.010(O)(2), the applicant needs to provide a 10' wide island between the row of parking and driveway from Daniel Zenker Drive. This can be accomplished by shifting the 12 parking spaces
- The text on the Landscaping Plan is not visible on the prints. However, it appears that the applicant has
 provided sufficient shade trees to be compliant with Section 17.48.010(O)(4). The applicant should include
 a table on the landscaping showing the species type and number of plantings proposed.
- Snow Storage area shall be denoted on the site plan

17.52 Signs

- The applicant is proposing a monument sign that shall not exceed 36 square feet and will not be greater than 6 feet tall. This is compliant with the zoning code.
- The applicant shall indicate the location of all traffic control signage on the site plan

Additional Site Plan Review Comments

These comments are based on the preliminary site plans and Bergmann reserves the right to provide additional comments upon future submission of information related to this application.

A. Driveway – a permit will be required from the Chemung County DPW for the proposed driveways on Daniel Zenker Drive and Hibbard Road North.

PREFERRED LANDSCAPING HEADQUARTERS



- B. A Grading Plan has not been provided to demonstrate how stormwater and drainage will be dealt with on site, nor how the site will be graded.
- C. The applicant is proposing to connect the sanitary sewer from the proposed building into an existing private sanitary service. The applicant shall obtain approval from the Chemung County Sewer District and County Health Department for this.
- D. The water service shall be reviewed and approved by the Town of Big Flats Water Department.

State Environmental Quality Review

The proposed development is an Unlisted action with an uncoordinated review. The applicant has submitted the Short EAF for this project.

County Review:

The site plan application will need to be referred to the Chemung County Planning Board for a review of potential intermunicipal impacts because the site does not meet at least one of the criteria for referral found in the General Municipal Law (GML) of New York State and does not qualify as an exception under the Intermunicipal Agreement.

Recommendations:

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

- 1. Deem Preliminary Site Plan Application Complete
- 2. Start SEQR Process:

The applicant has submitted the Short EAF Form and for this project. The Board shall determine if the Long Form EAF is required for this project. We recommend that the Planning Board declare itself lead agency status.

- 3. Refer the project to the County
- 4. Plans shall be revised by applicant to incorporate comments in this review letter prior to Planning Board granting final site plan approval.

PREFERRED LANDSCAPING HEADQUARTERS



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

Best Regards,

BERGMANN ASSOCIATES

Robert Switala, PE, CPESC, CPSWQ Principal

DRAWING INDEX

C-100 SITE IMPROVEMENT PLAN

C-508 SITE DETAILS - E&SC C-509 SITE DETAILS - E&SC C-510 SITE DETAILS - SIGNS C-511 SITE DETAILS - LANDSCAPE C-512 SITE DETAILS - LANDSCAPE

C-101 SITE DEMO & EROSION CONTROL PLAN C-102 SITE DRAINAGE & UTILITY PLAN C-103 SITE LIGHTING PLAN C-104 SITE LANDSCAPE PLAN C-200 TRUCK TURNING DIAGRAM C-501 SITE DETAILS - GENERAL C-502 SITE DETAILS - GENERAL C-503 SITE DETAILS - UTILITIES C-504 SITE DETAILS - UTILITIES C-505 SITE DETAILS - UTILITIES C-506 SITE DETAILS - UTILITIES C-507 SITE DETAILS - STORMWATER

DRAWING NO. DRAWING TITLE G-100 TITLE PAGE G-101 GENERAL NOTES G-102 GENERAL NOTES G-103 PROJECT MAPPING V-100 EXISTING CONDITIONS PLAN

ISSUED FOR

SITE PLAN REVIEW



PROJECT LOCATION MAP SCALE: 1" = 250'-0"

	101111 0000			
ZONE	ABD - AIRPORT BUSINESS DEVELOPMENT	ABD - AIRPORT BUSINESS DEVELOPMENT		
USE	OFFICE/GENERAL BUSINESS	OFFICE/GENERAL BUSINESS		
MINIMUM LOT AREA	3-ACRES	4.25-ACRES		
MINIMUM LOT WIDTH	300-FT.	306-FT.		
	MIN. BUILDING SETBACK	S¹		
FRONT	25-FT.	25-FT.		
SIDES	15-FT.	15-FT.		
REAR	25-FT.	N/A		
MAX. LOT COVERAGE	50%	TBD		
MAX. BUILDING HEIGHT	3-STORIES OR 40-FT.	1-STORY, 22-FT.		
	PARKING			
SPACE DIMENSIONS	18'-0" (L) X 9'-0" (W)	18'-0" (L) X 9'-0" (W)		
AISLE WIDTH	22-FT.	22-FT.		
TOTAL SPACES	2 1 FOR EACH 1000 GSF	15 - (6,000 SQ-FT)		
ADA SPACES 1		1		
LOADING	(1) AT 12' (W) X 55' (L) X 14' (H)	(1) AT 12' (W) X 55' (L) X 14' (H)		
	SIGNS			
FACADE	SIZE: = 10% OF THE SIDE AREA<br QTY: 2/EA. PRINCIPAL USE HEIGHT: 24-FT.	SIZE: 148 SQ-FT (MAX.) QTY: 1 EA. HEIGHT: 6-FT.		

ZONING TABLE

PROPOSED

SIZE: 36 SQ-FT (MAX.) QTY: 1 EA. HEIGHT: 6-FT.

GENERAL SITE DATA

MUNICIPALITY TOWN OF BIG FLATS PARCEL AREA 4.25-AC.

UTILITIES PUBLIC WATER/SEWER, GAS/ELEC./TELECOM.

ADDRESS DANIEL ZENKER DR./HIBBARD RD., BIG FLATS, NY 14814

SOILS UNA - UNADILLA SILT LOAM

TOWN CODE

MONUMENT SIZE: 40 SQ-FT QTY: <2 HEIGHT: 12-FT.

CATEGORY RESULT TAX MAP NO. 67.01-1-3

HISTORIC DISTRICT NO AG DISTRICT NO FLOOD MAP ZONE X STATE WETLANDS NO FEDERAL WETLANDS NO

- PREFERRED LANDSCAPING
 MR. DJ MORSE, OWNER
 CORNING, NEW YORK 14830
- BASE MAPPING AND HORIZONTAL DATUM BASED ON BOUNDARY SURVEY FROM WEILER ASSOCIATES DATED FEBRUARY 28, 2003, UPDATED OCTOBER 29, 2003, JOB NO. 11569.05.
- GROUND ELEVATION DATA WAS OBTAINED FROM THE NYS CLEARINGHOUSE SITE, CHEMUNG COUNTY LIDAR DATA.
- 4. PUBLIC WATER SERVICE SHALL BE PROVIDED BY THE TOWN OF BIG FLATS WATER DEPARTMENT.
- 5. PUBLIC SEWER SERVICE SHALL BE PROVIDED BY THE CHEMUNG COUNTY SEWER DISTRICT.
- 6. NATURAL GAS SERVICE SHALL BE PROVIDED BY NYSEG.
- 7. ELECTRIC SERVICE SHALL BE PROVIDED BY NYSEG.
- 8. TELECOMMUNICATIONS SHALL BE PROVIDED BY THE PROVIDER CHOSEN BY THE OWNER (VERIZON, SPECTRUM, EMPIRE ACCESS, ETC.)
- THE CONTRACTOR'S SURVEYOR SHALL CHECK ALL HORIZONTAL AND VERTICAL CONTROL PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE PROMPTLY BROUGHT TO THE ATTENTION OF THE ENGINEER.
- THE CONTRACTOR SHALL KEEP THEIR OPERATIONS WITHIN THE PROJECT PROPERTY, DESIGNATED EASEMENTS, AND RIGHT OF WAY LIMITS.
- 11. ALL DAMAGE TO PRIVATE PROPERTY AND/OR UTILITIES (UNDER OR ABOVE GROUND) SHALL BE REPORTED TO THE TOWN OF BIG FLATS AT ONCE.
- 12. CONSTRUCTION ALONG COUNTY, AND/OR TOWN ROADS SHALL CONFORM TO SPECIFICATIONS LISTED ON THE PERMITS ISSUED BY THE APPROPRIATE AGENCIES.
- 13. SAFE AND CONTINUOUS THROUGH TRAFFIC, INGRESS AND EGRESS FOR ADJACENT OWNER DRIVEWAYS, SERVICE ROADS, PUBLIC STREETS, AND SIDEWALKS SHALL BE MAINTAINED THROUGHOUT THE PERIOD OF CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE TO PROVIDE TO THE APPROPRIATE AGENCY AN ACCEPTABLE MAINTENANCE AND PROTECTION OF TRAFFIC PLAN FOR CONSTRUCTION IN/ALONG/NEAR ROADWAYS.
- 14. HIGHWAY DRAINAGE, SIDE STREET DRAINAGE, SWALES, DITCHES, AND OTHER EXISTING DRAINAGE FACILITIES SHALL BE PROTECTED AND MAINTAINED IN ADEQUATE WORKING CONDITION DURING CONSTRUCTION. THE CONTRACTOR SHALL RESTORE ANY OF SUCH FACILITIES THAT ARE DAMAGED DURING CONSTRUCTION TO THE SATISFACTION OF THE COUNTY ENGINEER.
- 15. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS
- 16. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS NOT TO DISTURB AND/OR DAMAGE PROPERTY CORNERS (IRON PINS, HUBS, ETC.) ANY DISTURBED OR DAMAGED PROPERTY CORNERS SHALL BE REPLACED BY THE CONTRACTORS LICENSED LAND SURVEYOR AT THE CONTRACTORS EXPENSE.
- 17. ALL EXISTING UTILITIES SHALL BE STAKED OUT BY THE UTILITY COMPANY PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CALL NEW YORK STATE DIG SAFE PRIOR TO CONSTRUCTION AND NOTIFY UTILITY COMPANIES FOR STAKEOUT.
- 18. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES. IF EXISTING UTILITIES ARE DAMAGED DURING CONSTRUCTION, THE CONTRACTOR SHALL IMMEDIATELY CONTACT THE UTILITY COMPANY AND PROVIDE COMPENSATION TO PERFORM REPAIRS TO SAID UTILITY.
- 19. EXISTING UTILITIES SHOWN ARE APPROXIMATE, CONTRACTOR TO FIELD VERIFY.
- 20. THE CONTRACTOR SHALL NOTIFY THE TOWN OF BIG FLATS WATER DEPARTMENT, AND THE FIRE DEPARTMENT 48 HOURS IN ADVANCE PRIOR TO CONSTRUCTION ON AND INTERRUPTION OF SERVICE OF ANY WATERMAINS. THE CONTRACTOR SHALL PROTECT ALL WATER SERVICE LINES AND PRIVATE WELLS. THE CONTRACTOR SHALL HAVE AMPLE SUPPLY OF REPAIR CLAMPS, COUPLINGS, AND PIPING FOR EMERGENCY REPAIRS.
- 21. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING CONTINUAL SEWER SERVICE DURING CONSTRUCTION AND SHALL NOTIFY, 24 HOURS IN ADVANCE, THE USERS WHOSE SANITARY LATERAL WILL BE DISRUPTED. A SANITARY LATERAL SHALL BE UNOPERATIONAL FOR NO LONGER THAN A (2) HOUR PERIOD.
- 22. IN AREAS WHERE THE CONTRACTOR IS EXCAVATING NEAR ANY UTILITY POLES, THE CONTRACTOR SHALL BRACE AND/OR HOLD IN PLACE UNTIL EXCAVATED AREA IS BACKFILLED AND COMPACTED.
- 23. THE CONTRACTOR SHALL PROVIDE AN ADEQUATE DEWATERING SYSTEM THAT WILL DRAW DOWN AND HAVE CONTROL ON THE GROUNDWATER TABLE AT ALL TIMES DURING CONSTRUCTION.
- 24. THE CONTRACTOR IS RESPONSIBLE FOR THE PROPER DISPOSAL OF ALL REMOVED VEGETATION, SOIL AND OTHER DISTURBED DEBRIS.
- 25. THE CONTRACTOR SHALL CONDUCT HIS ACTIVITIES IN THE VICINITY OF TREES AND BUSHES IN STRICT COMPLIANCE WITH THE APPROPRIATE SPECIFICATIONS. ANY TREE REMOVAL SHALL BE LIMITED TO THE DIRECT PATH OF CONSTRUCTION.
- 26. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING AND MAINTAINING APPROPRIATE EROSION CONTROL MEASURES TO PREVENT SEDIMENT FROM MIGRATING OFF SITE, TO STORM SEWERS, OR ADJACENT ROADWAYS.
- 27. ALL EXCAVATIONS SHALL PROVIDE PROTECTION TO THE WORK FORCE AS PER THE CURRENT O.S.H.A. REQUIREMENTS, AS WELL AS ANY STATE AGENCY REQUIREMENTS.
- 28. THE CONTRACTOR SHALL OBSERVE O.S.H.A. AND OTHER APPLICABLE SAFETY REQUIREMENTS. THE CONTRACTORS SHALL ASSUME RESPONSIBILITY FOR CONSTRUCTION SAFETY AT ALL TIMES.
- 29. CONTRACTOR SHALL REVIEW SOIL BORING AND TESTING REPORTS TO DETERMINE SPECIAL CONDITIONS REQUIRED FOR CONSTRUCTION, SUITABILITY OF ON-SITE SOILS FOR FILL MATERIAL, AND GROUNDWATER DEPTHS.

- SANITARY SEWERS, MANHOLES, CLEANOUTS, AND OTHER APPURTENANCES SHALL BE CONSTRUCTED AND TESTED IN ACCORDANCE WITH THE CHEMUNG COUNTY SEWER DISTRICT'S SPECIFICATIONS. PER THE CHEMUNG COUNTY SEWER DISTRICT SEWER USE LAW:
- 1.1. BUILDING AND STREET LATERAL PIPE MATERIALS SHALL BE POLYVINYL CHLORIDE (PVC) PIPE AND FITTINGS CONFORMING TO ASTM D-3034-73.
- 1.2. PIPE SHALL BE SUITABLE FOR GRAVITY SEWER SERVICE. MINIMUM "PIPE STIFFNESS" (F/Y) AT FIVE PERCENT (5%) DEFLECTION SHALL BE 46 PSI WHEN TESTED IN ACCORDANCE WITH ASTA D. 2412
- ANY PART OF THE BUILDING OR STREET LATERAL LOCATED WITHIN FIVE (5) FEET OF A
 WATERMAIN OR WATER SERVICE, OR IS OTHERWISE REQUIRED BY THE DIRECTOR, SHALL BE
 CONSTRUCTED OF CAST IRON SOIL PIPE.
- 1.4. THE DISTANCE BETWEEN CONSECUTIVE JOINTS, AS MEASURED ALONG THE CENTERLINE OF THE INSTALLED PIPE, SHALL NOT BE LESS THAT TEN (10) FEET, EXCEPT UNDER ABNORMAL CIRCUMSTANCES, SUBJECT TO APPROVAL BY THE DIRECTOR.
- SANITARY SEWERS SHALL BE SDR-35 PVC PIPE CONFORMING TO ASTM D3034, WITH RUBBER GASKETED JOINTS CONFORMING TO ASTM D3212 AND ASTM F-477.
- 3. TESTED SANITARY SEWERS SHALL HAVE AN INFILTRATION RATE OF LESS THAN 100 GALLONS PER MILE PER INCH OF DIAMETER OF PIPE PER DAY.
- 4. AS PER THE CHEMUNG COUNTY SEWER DISTRICT SEWER USE LAW, THE CONNECTION OF THE BUILDING LATERAL TO AN EXISTING STREET LATERAL SHALL BE MADE AT THE PROPERTY LINE. IF A STREET LATERAL HAS NOT PREVIOUSLY PROVIDED, THE STREET LATERAL MILL BE CONSTRUCTED FROM THE EXISTING PUBLIC SEWER TO THE PROPERTY LINE, BY A LICENSED PLUMBER, AT THE OWNERS' EXPENSE. (ALL SUBSEQUENT COSTS AND EXPENSE INCIDENTAL TO THE INSTALLATION AND CONNECTION OF THE BUILDING LATERAL SHALL BE BORNE BY THE OWNER.) THE STREET LATERAL SHALL BE INSTALLED WITH A PROPERLY SEALED AND COVERED CLEAN—OUT TO GRADE LOCATED AT THE PROPERTY LINE. THE CLEAN OUT SHALL TERMINATED IN A METAL BOX IMBEDDED IN CONCRETE.
- 5. THE OWNER SHALL INDEMNIFY THE CHEMUNG COUNTY SEWER DISTRICT FROM ANY LOSS OR DAMAGE THAT MAY DIRECTLY OR INDIRECTLY BE OCCASIONED BY THE INSTALLATION OF THE BUILDING LATERAL. IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO MAINTAIN, REPAIR, OR REPLACE THE BUILDING LATERAL, AS NEEDED.
- 6. THE METHOD OF CONNECTION OF THE BUILDING LATERAL TO THE STREET LATERAL WILL BE DEPENDENT UPON THE TYPE OF SEWER PIPE MATERIAL, AND, IN ALL CASES, SHALL BE APPROVED BY THE DIRECTOR, AFTER INSTALLATION OF THE STREET LATERAL HAS BEEN APPROVED BY THE DIRECTOR, THE NEW STREET LATERAL SHALL BECOME THE PROPERTY OF THE CHEMUNG COUNTY SEWER DISTRICT. ANY SUBSEQUENT REPAIRS TO THE NEW STREET LATERALS SHALL BE MADE NY THE CHEMUNG COUNTY SEWER DISTRICT AT THE CHEMUNG COUNTY SEWER DISTRICTS EXPENSE.

WATER SUPPLY NOTES:

- . WATER MAINS, WATER SERVICES, FIRE HYDRANTS, AND OTHER APPURTENANCES SHALL BE CONSTRUCTED, TESTED, AND DISINFECTED IN ACCORDANCE WITH THE TOWN OF BIG FLATS SPECIFICATIONS FOR WATERMAIN EXTENSIONS. WATERMAIN AND APPURTENANCE MATERIALS AND INSTALLATION SHALL COMPLY WITH NYSDOH STANDARDS AND AWWA STANDARD C600-93.
- 2. DUCTILE IRON PIPE SHALL BE CLASS 52,AND SHALL CONFORM IN ALL RESPECTS TO AWWA C-151. FITTINGS SHALL CONFORM IN ALL RESPECTS TO AWWA C-110 OR TO COMPACT FITTINGS, AWWA C-153. ALL SHALL BE FURNISHED WITH CEMENT MORTAR LINING IN CONFORMANCE WITH AWWA C-104. PIPES SHALL HAVE GASKETED, PUSH-ON, JOINTS CONFORMING TO AWWA C-111.
- 3. THE MINIMUM HORIZONTAL SEPARATION DISTANCE BETWEEN WATER AND SEWER (SANITARY AND STORM) UTILITIES SHALL BE 10 FEET, MEASURED FROM OUTSIDE WALL TO OUTSIDE WALL OF THE MAINS. AT THE POINT OF CROSSING, THE MINIMUM VERTICAL SEPARATION DISTANCE BETWEEN WATER AND SEWER (SANITARY AND LINES SHALL BE 18 INCHES, MEASURED FROM OUTSIDE WALL TO OUTSIDE WALL OF THE MAINS.
- 4. SAMPLING REQUIREMENTS FOR THE DISINFECTION OF WATERMAINS SHALL BE CONSISTENT WITH AWWA STANDARD C651—92, SECTION 5.2 CONTINUOUS FEED METHOD, DISINFECTING WATERMAINS. AFTER FINAL FLUSHING AND BEFORE THE NEW WATERMAIN IS IN OPERATION, TWO CONSECUTIVE SAMPLES TAKEN 24 HOURS APART, SHALL BE COLLECTED FROM THE NEW WATERMAIN. AT LEAST ONE SET OF SAMPLES SHALL BE COLLECTED FROM EVERY 1200 LINEAR FEET OF WATERMAIN, PLUS ONE SET FROM THE END OF LINES AND EACH BRANCH.
- MAIN VALVES SHALL BE MECHANICAL JOINTS, RESILIENT SEAT, GATE, 2" OPERATING NUT, OPEN LEFT, WITH STAINLESS STEEL BONNET AND PACKING BOLTS AND NUTS. THE VALVES SHALL CONFORM TO AWWA C-509
- ALL NEW AND ALTERED EXISTING WATERMAINS SHALL BE PRESSURE AND LEAKAGE TESTED IN ACCORDANCE WITH THE LATEST REVISION OF AWWA STANDARD C-600-93 (LATEST REVISION).
- 7. THE FOLLOWING MINIMUM SEPARATION DISTANCES BETWEEN GAS LINES AND WATER LINES ARE RECOMMENDED. OTHER MORE STRINGENT SEPARATION DISTANCES MAY APPLY. 7.1. HORIZONTAL -- 5 FEET
- 7.2. VERTICAL 2 FEET
- 8. TEST PRESSURE SHALL BE 120 PSI UNLESS DIRECTED OTHERWISE BY THE ENGINEER. TESTING WILL BE DONE UNDER THE OBSERVATION OF A REPRESENTATIVE OF THE TOWN OF BIG FLATS WATER DEPARTMENT, DURING NORMAL WORK HOURS. TEST RESULTS WILL BE DOCUMENTED ON THE CONTRACTORS LETTERHEAD AND FORWARDED TO THE TOWN OF BIG FLATS WATER DEPARTMENT. ALL TESTS AND MATERIALS, INCLUDING PIPE AND FITTINGS, METERS AND GAUGES, WILL BE FURNISHED BY THE CONTRACTOR.

EARTHWORK & SITE NOTES:

- SIGNAGE, PAVEMENT MARKINGS AND OTHER TRAFFIC CONTROL DEVICES SHALL BE IN CONFORMANCE TO THE NYSDOT'S MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- EXCAVATION: EXCAVATE SUBSOIL TO THE DEPTH REQUIRED TO PROVIDE A UNIFORM SURFACE OF SOLID UNDISTURBED GROUND FOR THE PLACEMENT OF AGGREGATE SUBBASE COURSE.
- 3. FILL, SUBGRADE, AND SUBBASE SHALL BE COMPACTED TO OR ABOVE 95 PERCENT 'MODIFIED PROCTOR' DENSITY WITH A SMOOTH DRUM ROLLER, OR OTHER SUFFICIENT COMPACTION EQUIPMENT, WEIGHING AT LEAST 15 TONS. OPERATE COMPACTOR IN THE STATIC MODE FOR COMPACTION OF SILTY SOILS AND IN THE VIBRATORY MODE FOR ALL OTHER MATERIALS.
- 4. SUBBASE MATERIAL SHALL BE PLACED IN MAXIMUM 6 INCH AND MINIMUM 3 INCH HORIZONTAL LIFTS. MAINTAIN OPTIMUM MOISTURE CONTENT FOR COMPACTION.
- BELOW THE SUBBASE. PROVIDE A SOIL STABILIZATION GEOTEXTILE FABRIC.

- STORM SEWERS SHALL BE ADVANCED DRAINAGE SYSTEM'S ADS N-12 CORRUGATED, SMOOTH INTERIOR, HIGH DENSITY POLYETHYLENE (HDPE) PIPE. ADS N-12 STORM SEWER SHALL BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND ASTM D2321. ALL JOINTS SHALL BE WATER TIGHT.
- ALL FLARED —END SECTIONS SHALL BE GALVANIZED METAL END SECTIONS UNLESS OTHERWISE SPECIFIED.
- EROSION PROTECTION AT THE DISCHARGE POINTS OF STORM SEWERS SHALL CONSIST OF LIGHT STONE FILL RIP—RAP APRONS.

EROSION & SEDIMENT CONTROL NOTES:

- THE CONTRACTOR PERFORMING CONSTRUCTION WILL BE HIRED DIRECTLY BY OWNER. THE CONTRACTOR WILL BE LICENSED PER APPLICABLE LAWS AND WILL SUBMIT FINAL CONSTRUCTION PLANS FOR REVIEW AND ANY REVISIONS TO THIS PLAN, IF APPLICABLE.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMPLEMENTING EROSION AND SEDIMENT CONTROL TO PROTECT SURROUNDING WATER BODIES.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONSTRUCTION CONTROL AND MAINTENANCE OF SOIL EROSION AND SEDIMENT CONTROL FACILITIES TO ENSURE PROPER FUNCTIONING OF SAID FACILITIES (DURING CONSTRUCTION).
- 4. AFTER THE PROJECT HAS BEEN COMPLETED, THE CONTRACTOR SHALL HAVE THE RESPONSIBILITY FOR ENSURING THAT ALL TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES HAVE BEEN REMOVED OR REPLACED BY PERMANENT CONTROLS.
- 5. ANY DISTURBED AREAS THAT WILL BE LEFT EXPOSED FOR MORE THAN 5 DAYS, AND NOT SUBJECT TO CONSTRUCTION TRAFFIC, WILL IMMEDIATELY RECEIVE A TEMPORARY SEDING. IF THE SEASON PREVENTS THE ESTABLISHMENT OF A TEMPORARY COVER, THE DISTURBED AREAS WILL BE MULCHED WITH STRAW OR EQUIVALENT MATERIAL, AT A RATE OF 2.5 3.0 TONS PER ACRE, ACCORDING TO STATE STANDARDS.
- 6. PERMANENT VEGETATION TO BE SEEDED OR SODDED ON ALL EXPOSED AREAS WITHIN FIVE (5) DAYS AFTER FINAL GRADING. MULCH AS NECESSARY FOR SEED PROTECTION AND ESTABLISHMENT. LIME AND FERTILIZE SEED BED PRIOR TO PERMANENT SEEDING.
- 7. NATURAL VEGETATION SHALL BE RETAINED, PROTECTED, AND SUPPLEMENTED, AS FEASIBLE PRIOR TO AND DURING CONSTRUCTION.
- 8. EROSION AND SEDIMENT POLLUTION CONTROL FACILITIES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION UNTIL COMPLETE SITE STABILIZATION.
- 9. HEAVY CONSTRUCTION EQUIPMENT SHALL BE KEPT AS CLOSE TO THE WORK AREA AS PRACTICED TO MINIMIZE DISTURBANCE OF SOIL ALREADY STABILIZED OR UNDISTURBED.
- 10. TOPSOIL AND OTHER SOIL REMOVED DURING CONSTRUCTION SHALL BE STOCKPILED IN A SUITABLE LOCATION CLEAR FROM ANY STORMWATER DRAINAGE COURSES. STOCKPILES WHICH ARE INACTIVE FOR MORE THAN 5 DAYS SHALL BE SEEDED.
- 11. VEGETATIVE STABILIZATION SHALL BE PERIODICALLY INSPECTED FOR SUFFICIENT GROWTH AND PROGRESS. AREAS NOT RESPONDING SHALL BE PROMPTLY RESEEDED AND REMULCHED AS SOON AS POSSIBLE. AREAS SHOWING SIGNS OF EROSION PRIOR TO STABILIZATION SHALL BE GRADED, RESEEDED, AND REMULCHED AS SOON AS POSSIBLE. SOD OR EROSION CONTROL FABRIC SHALL BE UTILIZED WHERE ADEQUATE STABILIZATION IS NOT OCCURRING
- 12. ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED BEFORE BEGINNING EARTH MOVING ACTIVITIES, OR IN THEIR PROPER SEQUENCE, AND MAINTAINED UNTIL PERMANENT PROTECTION IS ESTABLISHED.
- 13. A STABILIZED CONSTRUCTION ENTRANCE PAD OF 1.5' TO 2' CLEAN STONE WILL BE PLACED AT ALL CONSTRUCTION DRIVEWAYS IMMEDIATELY AFTER INITIAL SITE DISTURBANCE.
- 14. THE APPLICATION OF TOPSOIL, LIMING, FERTILIZING, SEEDING, AND MULCHING FOR DISTURBED AREAS SHALL BE CONSISTENT WITH THE STANDARD GENERAL PRACTICES FOR CONSTRUCTION.
- 15. IMMEDIATELY FOLLOWING INITIAL DISTURBANCES OF ROUGH GRADING, ALL CRITICAL AREAS SUBJECT TO EROSION (I.E., STEEP SLOPES AND ROADWAY EMBANKMENTS) WILL RECEIVE A TEMPORARY SEEDING IN COMBINATION WITH STRAW MULCH OR A SUITABLE EQUIVALENT, AT A RATE OF 2.5 3.0 TONS PER ACRE.
- 16. AT THE TIME WHEN SITE PREPARATION FOR PERMANENT VEGETATIVE STABILIZATION IS TO BE ESTABLISHED, ANY SOIL THAT WILL NOT PROVIDE A SUITABLE ENVIRONMENT TO SUPPORT ADEQUATE VEGETATIVE GROUND COVER SHALL BE REMOVED OR TREATED IN SUCH A WAY THAT WILL PERMANENTLY ADJUST THE SOIL CONDITIONS AND RENDER IT SUITABLE FOR VEGETATIVE GROUND COVER
- 17. IF THE REMOVAL OR TREATMENT OF THE SOIL WILL NOT PROVIDE SUITABLE CONDITIONS, NON-VEGETATIVE MEANS OF PERMANENT GROUND STABILIZATION WILL HAVE TO BE EMPLOYED.

ISSUED FOR SITE PLAN REV

MASER
CHIECTURE + ENONERING
DRAWING ALTERATION

MA ARCHITECTURE DRAWNS

RCHITECT/ENGINEER

EVELOPER STATES

OWNER/D

SCAPING

PREFERRED

OCTOBE PROJEC 2019-C DRAWIN

GRAWN

MULCHING AND SEEDING REQUIREMENTS

TEMPORARY SEED REQUIREMENTS

- SEEDBED PREPARATION: 1.1. APPLY LIMESTONE (EQUIVALENT TO 50 PERCENT (50%) CALCIUM PLUS
- APPLY LIMESTONE (EQUIVALENT TO 50 PERCENT (50%) CALCIUM PLUS MACNESIUM OXIDES) AT A RATE OF 90 POUNDS PER 1,000 SQUARE FEET. APPLY FERTILIZER AT A RATE OF 600 POUNDS PER ACRE OR 14 POUNDS PER 1,000 SQUARE FEET USING 10-20-10 OR EQUIVALENT. WORK LIME AND FERTILIZER INTO SOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4. INCHES WITH A DISC. SPRINGTOOTH HARROW OR OTHER SUITABLE EQUIPMENT. THE FINAL HARROWING OR DISCING OPERATION SHOULD BE ON THE CENERAL CONTOUR. CONTINUE TILLAGE UNTIL A REASONABLY UNIFORM SEEDBED IS PREPARED.
 INSPECT SEEDBED JUST BEFORE SEEDING. IF TRAFFIC HAS LEFT THE SOIL COMPACT. THE ARRA MUST BE FETHLIED AS ABOVE.
- COMPACT, THE AREA MUST BE RETILLED AS ABOVE

2. SEEDING:

- 2. SEEDING:
 2.1. APPLY LAWN MIX AT A RATE (SEE SPECIFICATIONS)
 2.2. APPLY SEED WITH MECHANICAL SEEDER. OPTIMUM SEEDING DEPTH IS ONE INCH (EXCEPT SANDY SOILS, 2 INCHES).
 2.3. WHERE FEASIBLE, EXCEPT WHERE EITHER A CULTIPAKER TYPE SEEDER OR HYDROSEEDER IS USED, THE SEEDBED SHALL BE FIRMED FOLLOWING SEEDING OPERATIONS WITH A ROLLER, OR LIGHT DRAG. SEEDING OPERATIONS SHOULD BE ON THE CONTOUR.

- . MULCHING
 3.1. MULCH MATERIALS SHALL BE UNROTTED SALT HAY OR SMALL GRAIN STRAW
 AT A RATE OF 2-1/2 TO 3 TONS PER ACRE, OR 70 TO 90 POUNDS PER
 1,000 SQUARE FEET. MULCH SHOULD NOT BE GROUND OR CHOPPED INTO
- 1,000 SQUARE FEET. MULCH SHOULD NOT BE GROUND OR CHOPPED INTO SHORT PIECES.

 SPREAD UNIFORMLY BY HAND OR MECHANICALLY SO THAT APPROXIMATELY 75 PERCENT TO 95 PERCENT OF THE SOIL SURFACE MILL BE COVERED. MULCH ANCHORING SHALL BE ACCOMPLISHED IMMEDIATELY AFTER PLACEMENT TO MINIMIZE LOSS BY WIND OR WATER. 1. MULCHING NETTINGS STAPLE, JUTE OR COTTON NETTINGS TO THE SOIL SURFACE. USE A DECEMBED ENETING IN APPEAR TO BE MOVED. DEGRADABLE NETTING IN AREAS TO BE MOWED.

PERMANENT SEED REQUIREMENTS:

- SEEDBED PREPARATION:
 1.1. REFER TO TEMPORARY SEED REQUIREMENTS ABOVE.

- 2. SEEDING:
 2.1. THIS LAWN SEED FOR COLD WEATHER MIX CONSISTS OF 90% TURF TYPE FESCUE AND 10% KENTUCKY BLUEGRASS BY WEIGHT. BY SEED COUNT, THIS IS NEARLY A 50/50 BLEND. IT WILL CONTAIN 2 OUT OF THE 5 TURF TYPE FESCUES LISTED BELOW AND MIDNIGHT KENTUCKY BLUEGRASS.
 2.1.1. JAMBOREE TURF TYPE FESCUE GRASS
 2.1.2. CHANELLE TURF TYPE FESCUE GRASS
 2.1.3. ROMAN TURF TYPE TALL FESCUE GRASS
 2.1.4. STARRIEL II TURF TYPE TALL FESCUE GRASS
 2.1.5. BARBARIAN TURF TYPE TALL FESCUE GRASS
 2.1.6. MIDNIGHT KENTUCKY BLUEGRASS
- MIDNIGHT KENTUCKY BLUEGRASS 2.2. SEEDING RATE IS 500 POUNDS PER ACRE.

MAINTENANCE AND REPAIR OF EROSION AND SEDIMENT FACILITIES:

- PROPER MAINTENANCE AND REPAIR OF EROSION AND SEDIMENT CONTROL FACILITIES ARE NECESSARY TO THE EFFECTIVENESS OF THE EROSION AND SEDIMENT POLLUTION CONTROL FACILITIES.
- DISTURBED GROUND SURFACES SHALL BE SPRINKLED WITH WATER, AS NEEDED, TO LIMIT THE FORMATION AND MIGRATION OF AIRBORNE DUST.
- OPERATIONAL MEASURES SHALL BE EMPLOYED DURING CONSTRUCTION TO PREVENT THE SPILLS OF FUELS AND LUBRICANTS. IF A SPILL OCCURS, IT SHALL BE CONTROLLED IMMEDIATELY TO PREVENT ITS ENTRY INTO OFF—SITE AREAS INCLUDING ADJACENT STORM SEWER.
- ANY TEMPORARY EROSION CONTROL FACILITY SHALL REMAIN FUNCTIONAL UNTIL VEGETATIVE COVER IS SUFFICIENTLY ESTABLISHED WITHIN THE RESPECTIVE TRIBUTARY DRAINAGE AREA.
- ANY DEBRIS ACCUMULATED IN EROSION AND SEDIMENT CONTROL FACILITIES SHALL BE REMOVED AND PROPERLY DISPOSED. THESE FACILITIES SHALL BE CHECKED DAILY AND AFTER RAINFALL EVENTS, AND REALIGNED AS NEEDED.
- DISTURBED AREAS SHALL BE CONSIDERED AS PERMANENTLY STABILIZED WHEN A MINIMUM COVER OF 80% HAS BEEN ESTABLISHED.

SOIL RESTORATION REQUIREMENTS:

- AERATION AND THE APPLICATION OF 6 INCHES OF TOPSOIL IS REQUIRED IN ANY PROPOSED LAWN AREA WHERE TOPSOIL HAS BEEN DISTURBED.
- FULL SOIL RESTORATION IS REQUIRED IN HEAVY TRAFFIC AREAS ON SITE, ESPECIALLY BETWEEN 5 AND 25 FEET AROUND THE PROPOSED BUILDING, BUT NOT WITHIN A 5 FOOT PERIMETER AROUND FOUNDATION WALLS. RESTORATION IS ALSO REQUIRED ON REDEVELOPMENT PROJECTS IN AREAS WHERE EXISTING IMPERVIOUS AREA WILL BE CONVERTED TO PERVIOUS AREA.
- 3. FULL SOIL RESTORATION REQUIREMENTS ARE AS FOLLOWS:

 SOIL RESTORATION IS TO TAKE PLACE DURING PERIODS OF RELATIVELY LOW
 TO MODERATE SUBSOIL MOISTURE, FOLLOWING ROUGH GRADING OF THE DISTURBED SUBSOILS

 - DISTURBLE SHOULD SHOULD
 - CIRCULATING AIR AND COMPOST INTO SOBSOILS

 ROCK-PICK UNTIL UPLIFTED STONE/ROCK MATERIALS OF FOUR INCHES AND LARGER SIZE ARE CLEANED OFF THE SITE

 APPLY TOPSOIL TO A DEPTH OF 6 INCHES

 - VEGETATE AS SPECIFIED ON PLANS
- AT THE END OF THE PROJECT AN INSPECTOR SHOULD BE ABLE TO PUSH A 3/8 INCH METAL BAR 12 INCHES INTO THE SOIL JUST WITH BODY WEIGHT.
- TILLING SHOULD NOT BE PERFORMED WITHIN THE DRIP LINE OF ANY EXISTING TREES OR OVER UTILITY INSTALLATIONS THAT ARE WITHIN 24 INCHES OF THE
- 6. ADDITIONAL INFORMATION AND GUIDANCE MAY BE FOUND IN *DEEP-RIPPING AND DECOMPACTION" PUBLISHED BY NYSDEC DIVISION OF WATER 2008.

- 1. PRE-CONSTRUCTION MEETING.
- 2. DELINEATE DISTURBED AREAS AND INSTALL ORANGE CONSTRUCTION FENCE FOR PROTECTED AREAS.
- CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE, STAGING AREA LAYOUT.
- 4. INSTALL SILT FENCE.
- 5. SETUP PERIMETER CONTROLS WITH LIMITED CLEARING.
- 6. REMOVE CONCRETE.
- 7. PERFORM ROUGH GRADING.
- 8. PLACE FILL MATERIAL AND ROUGH GRADE.
- 9. TEMPORARILY STABILIZE ALL DISTURBED AREAS.
- 10. PERFORM FINAL STABILIZATION WITH TOPSOIL,
- REMOVE ALL TEMPORARY EROSION AND SEDIMENT CONTROLS ONCE 80% STABILIZATION HAS BEEN

MATERIALS HANDLING AND SPILL PREVENTION

THE CONTRACTOR SHALL FOLLOW ALL FEDERAL, STATE AND LOCAL REGULATIONS PERTAINING TO MATERIAL HANDLING, SPILL PREVENTION AND SPILL CLEANUP. THE CONTRACTOR SHALL NOTIFY THE APPROPRIATE AGENCIES WHEN A SPILL OCCURS. THE FOLLOWING ARE RECOMMENDED GUIDELINES FOR THE CONTRACTOR AND SHALL NOT REPLACE GOVERNMENT

- CONSTRUCTION SITE LIQUID AND SOLID WASTE MANAGEMENT:
 1.1. BUILDING MATERIALS AND OTHER CONSTRUCTION SITE
 WASTES, INCLUDING SANITARY WASTES MUST BE
 PROPERLY MANAGED AND DISPOSED OF TO REDUCE THE
 RISK OF POLLUTION.
- 1.2. PRACTICES SUCH AS TRASH DISPOSAL, RECYCLING. PRACTICES SUCH AS TRASH DISPOSAL, RECTCLING, PROPER SANITARY FACILITY MAINTENANCE, SPILL PREVENTION AND CLEANUP MEASURES CAN REDUCE THE POTENTIAL FOR STORMWATER RUNOFF TO MOBILIZE CONSTRUCTION SITE WASTES AND CONTAMINATE
- 1.3. IF SPECIFIED, THE CONTRACTOR SHALL DESIGNATE ONE AREA FOR CONSTRUCTION VEHICLE REFUELING THAT IS AT LEAST 100—FEET UPSTREAM FROM A STORM DRAIN, STREAM, POND, OR WATERWAY.
- 1.4. TEMPORARY SANITARY FACILITIES SHALL BE LOCATED AT LEAST 50-FEET AWAY FROM DRAINAGEWAYS, STORM DRAINS, RECEIVING WATERS, AREAS OF HIGH TRAFFIC, AND AREAS SUSCEPTIBLE TO FLOODING.
- 1.5. WASTEWATER GENERATED FROM TEMPORARY SANITARY FACILITIES SHALL NOT BE ALLOWED TO FLOW INTO STORM SEWERS AND DRAINAGEWAYS.
- 1.6. ONLY LICENSED HAULERS SHALL BE AUTHORIZED TO
- 1.7. FACILITIES SHALL BE SECURED TO PREVENT OVER TURNING DURING HIGH WINDS.
- 1.8. CONSTRUCTION WASTE SHALL BE SEPARATED PROPERLY INTO VARIOUS CATEGORIES SUCH AS HAZARDOUS MATERIALS, TOXIC LIQUIDS, AND CONSTRUCTION AND
- 1.9. CONTAINERS OF LIQUIDS SHALL HAVE SECONDARY CONTAINMENT AND BE STORED AWAY FROM DRAINAGE WAYS, STORM DRAINS, RECEIVING WATERS, AREAS OF HIGH TRAFFIC, AND AREAS SUSCEPTIBLE TO FLOODING. CONTAINERS SHALL ALSO BE PROPERLY LABELED.

- SPILL PREVENTION AND CONTROL
 SPILL PREVENTION AND COUNTER CONTROL PLAN
 (SPCCP) SHALL CLEARLY STATE MEASURES TO STOP THE SOURCE OF A SPILL, CONTAIN THE SPILL, CLEAN UP THE SPILL, DISPOSE OF CONTAMINATED MATERIALS. AND TRAIN PERSONNEL TO PREVENT AND CONTROL FUTURE
- 2.2. SPCCPs are APPLICABLE TO CONSTRUCTION SITES WHERE HAZARDOUS WASTE IS STORED OR USED. HAZARDOUS WASTE INCLUDES PESTICIDES, PAINTS, CLEANERS, PETROLEUM PRODUCTS, FERTILIZERS AND SOLVENTS.
- 2.3. THE CONTRACTOR SHALL DEVELOP AND IMPLEMENT AN SPCCP IN CONFORMANCE TO FEDERAL, STATE AND LOCAL REGULATIONS.
- 2.4. SPILLS SHALL BE CONTAINED AND CLEANED UP AS SOON
- 2.5. RESIDUALS LEFTOVER FROM THE CLEANUP ACTIVITY, SUCH AS ABSORBENT PAIDS OR CONTAINERS OF SPILL MATERIAL, SHALL BE DISPOSED OF PROPERLY.
- 2.6. PROPER SPILL AND ILLICIT DISCHARGE REPORTING PROCEDURES INCLUDING CALLING THE NYSDEC SPILL HOTLINE SHALL BE FOLLOWED FOR BOTH HAZARDOUS
- 2.7. SPILLS SHALL NOT BE WASHED DOWN THE STORM DRAIN
- 2.8. THE CONTRACTOR SHALL REFER TO NYSDEC REGULATIONS FOR ADDITIONAL REQUIREMENTS.

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	EXISTING RIGHT OF WAY		PROPOSED CENTERLINE	\parallel
	EXISTING CENTERLINE		PROPOSED CURB	
	EXISTING EDGE OF PAVEMENT		PROPOSED PAVEMENT	
	EXISTING CURB		PROPOSED SIDEWALK	E
	EXISTING CONCRETE SIDEWALK		PROPOSED PLANING	
	EXISTING STORM		PROPOSED PERMANENT TRENCH RESTORATION	
	EXISTING DITCH	7777777777	PROPOSED ASPHALT CONCRETE	
 22	EXISTING SANITARY	(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	RESTORATION	
	EXISTING WATER		PROPOSED CONCRETE RESTORATION	
	EXISTING GAS	5333333333	PROPOSED EXPOSED AGGREGATE	
OHTEL CHITEL	EXISTING OVERHEAD TELEPHONE		CONCRETE RESTORATION PROPOSED LANDSCAPE AREA	
UGIELUGIEL	EXISTING UNDERGROUND TELEPHONE		(SEED/BARK MULCH AS DIRECTED)	
OHP OHP	EXISTING OVERHEAD POWER		PROPOSED GRAVEL RESTORATION	
UGP UGP	EXISTING UNDERGROUND POWER		PROPOSED STORM	
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UGTELUGTEL	EXISTING UNDERGROUND CABLE TV		PROPOSED WATER	
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	EXISTING WALL	— x — x — x —	PROPOSED FENCE	
(SAM)	EXISTING MANHOLE WASTEWATER	UQP UQP	PROPOSED UNDERGROUND POWER	Ц
(57)	EXISTING MANHOLE STORM		PROPOSED UNDERGROUND TELEPHONE	
СВ	EXISTING CATCH BASIN RECTANGLE		APPROXIMATE CUT/FILL LINE	
@	EXISTING CATCH BASIN ROUND		(DOES NOT INCLUDE DRIVEWAY WORK)	
	EXISTING CLEANOUT WASTEWATER		PROPOSED RIGHT OF WAY	
_	EXISTING CLEANOUT STORM	<u> </u>	PROPOSED PUBLIC UTILITY	
(w)	EXISTING WATER METER		EASEMENT	C
()	EXISTING IRRIGATION CONTROLLER		PROPOSED TEMPORARY CONSTRUCTION EASEMENT	
<u> </u>	EXISTING GATE VALVE		PROPOSED DRAIN CURB	
g	EXISTING FIRE HYDRANT		PROPOSED PHASE LINE	
(E)	EXISTING POWER METER		PROPOSED RETAINING WALL	
O T	EXISTING POWER POLE		PROPOSED COMMUNICATION UNDERGROUND UTILITY STRUCTURE	H
1	EXISTING GUY WIRE		(DIMENSIONS VARY)	
8	EXISTING TV PEDESTAL EXISTING MAILBOX	Ø	PROPOSED COMMUNICATION UTILITY PEDESTAL	
Æ	EXISTING MAILBOX EXISTING GAS VALVE	(S)	PROPOSED WASTEWATER MANHOLE	}
	EXISTING LUMINAIRE	<u>©</u>	PROPOSED STORMWATER MANHOLE	
· —	EXISTING SIGN	osco		в
O	EXISTING TREE OR SHRUB	o DCO	PROPOSED STORMWATER CLEANOUT	
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		ᄺ	PROPOSED TEE	
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		E	PROPOSED ELECTRICAL BOX OR	
		-	PROPOSED HITHEY BOLE	
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		● ⊙	PROPOSED MONUMENT	
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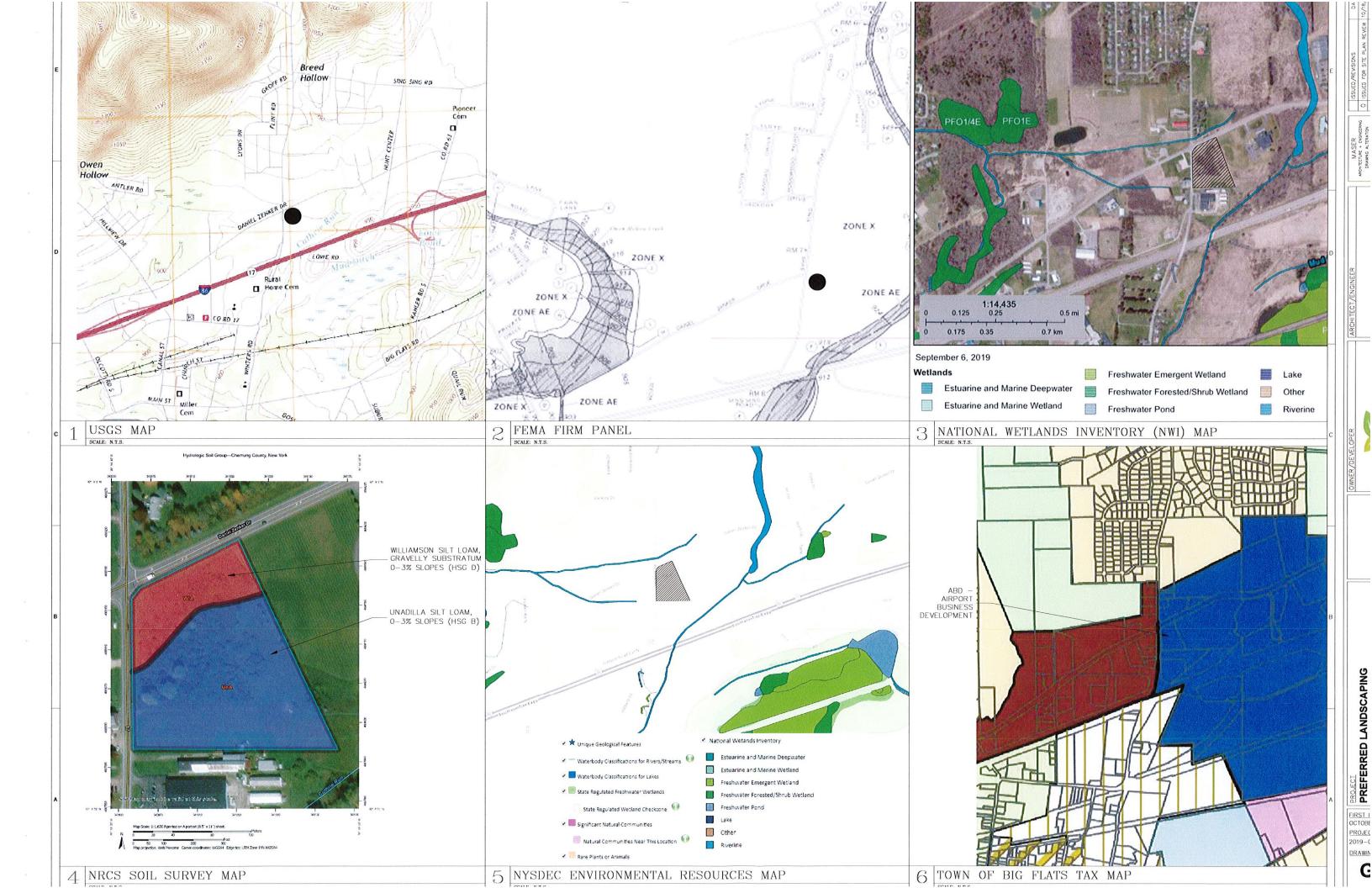
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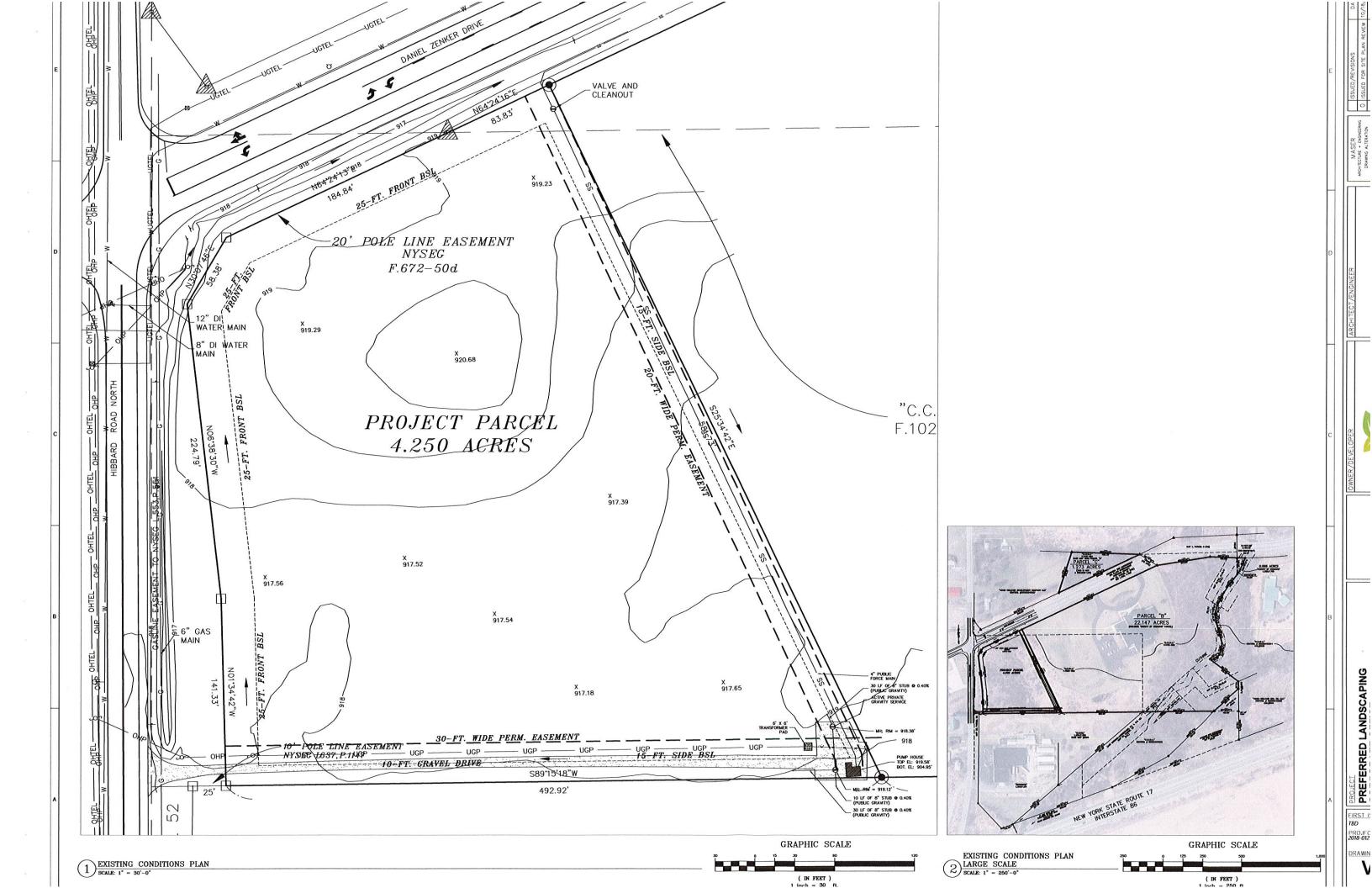
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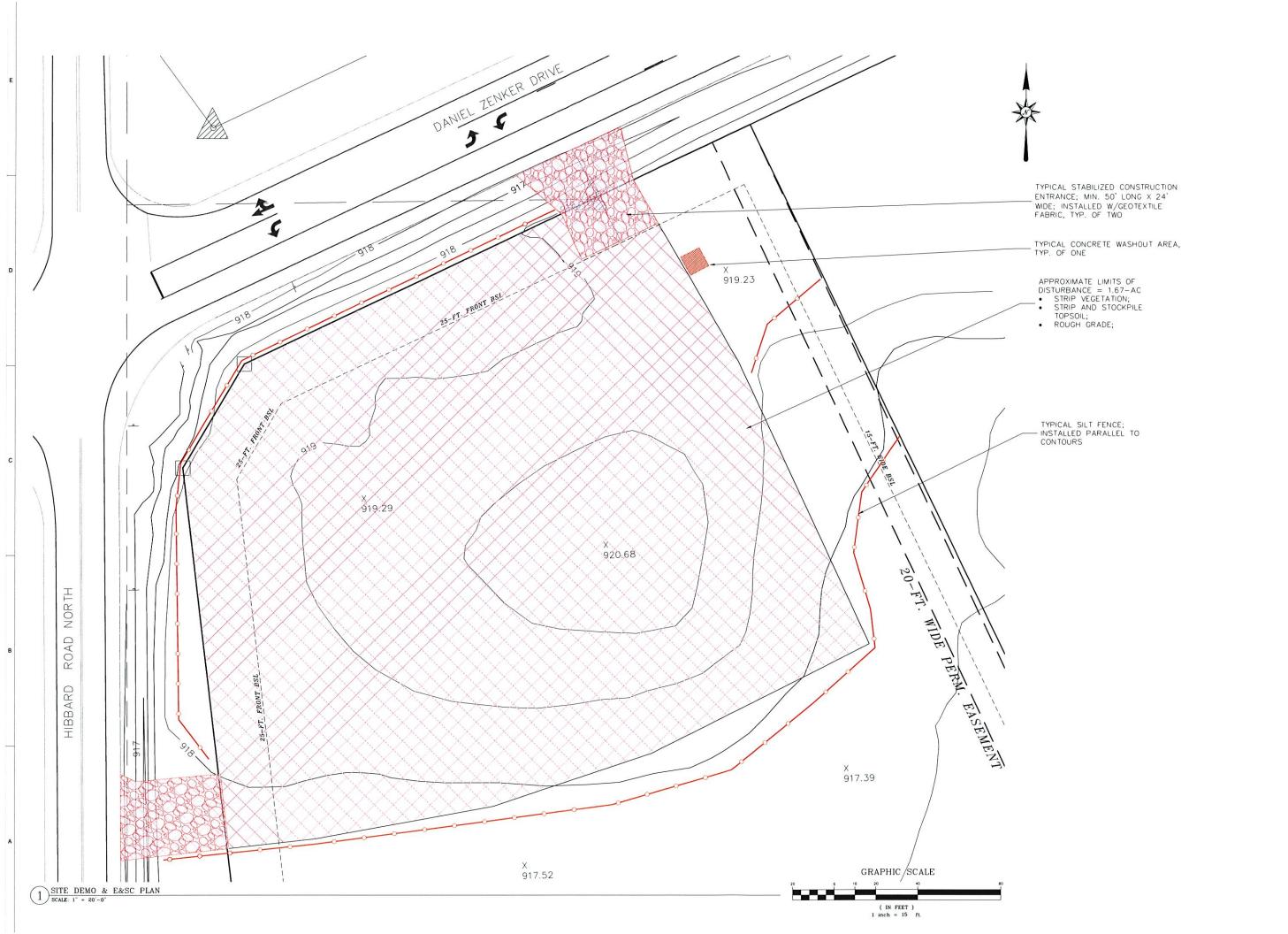


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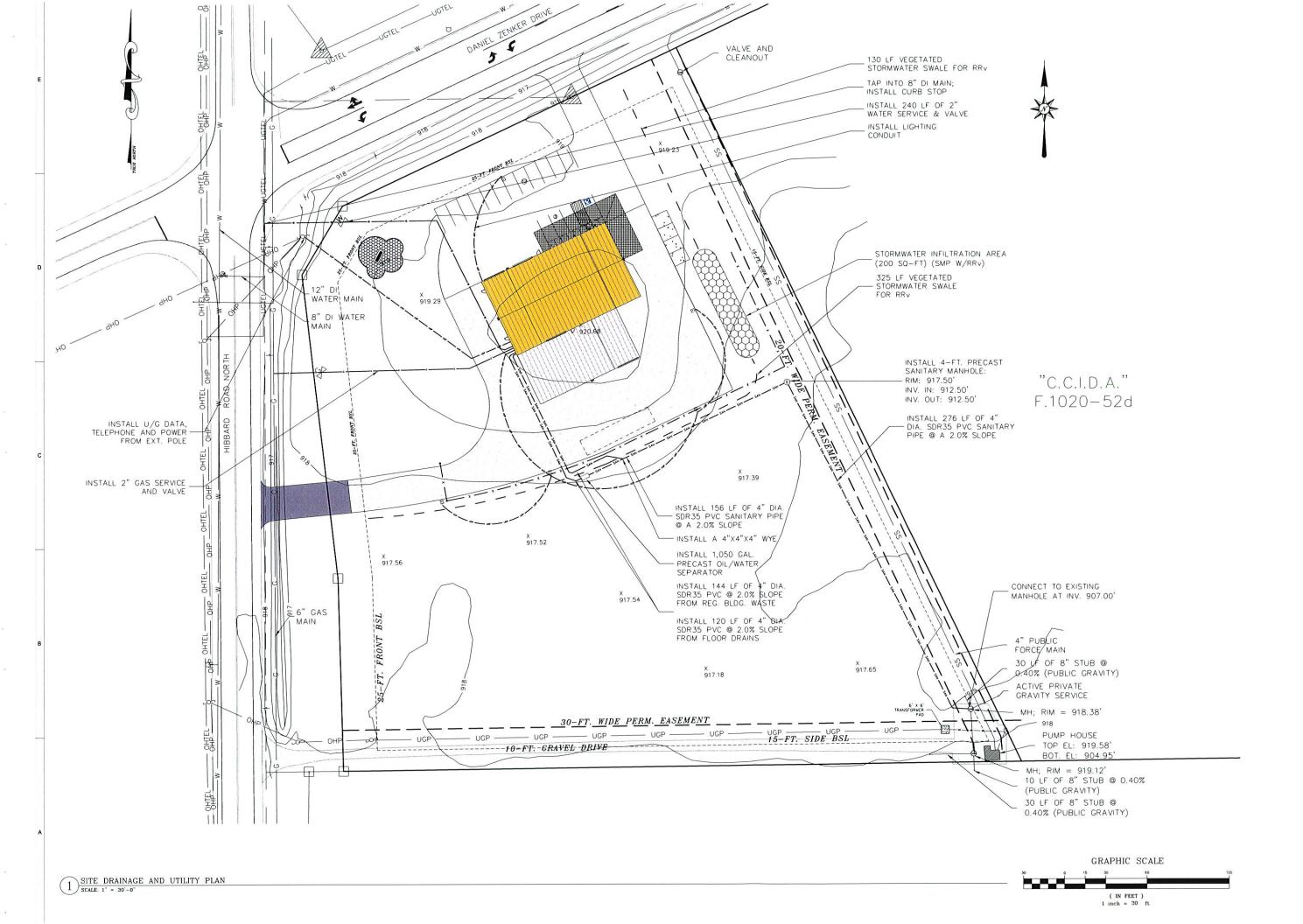
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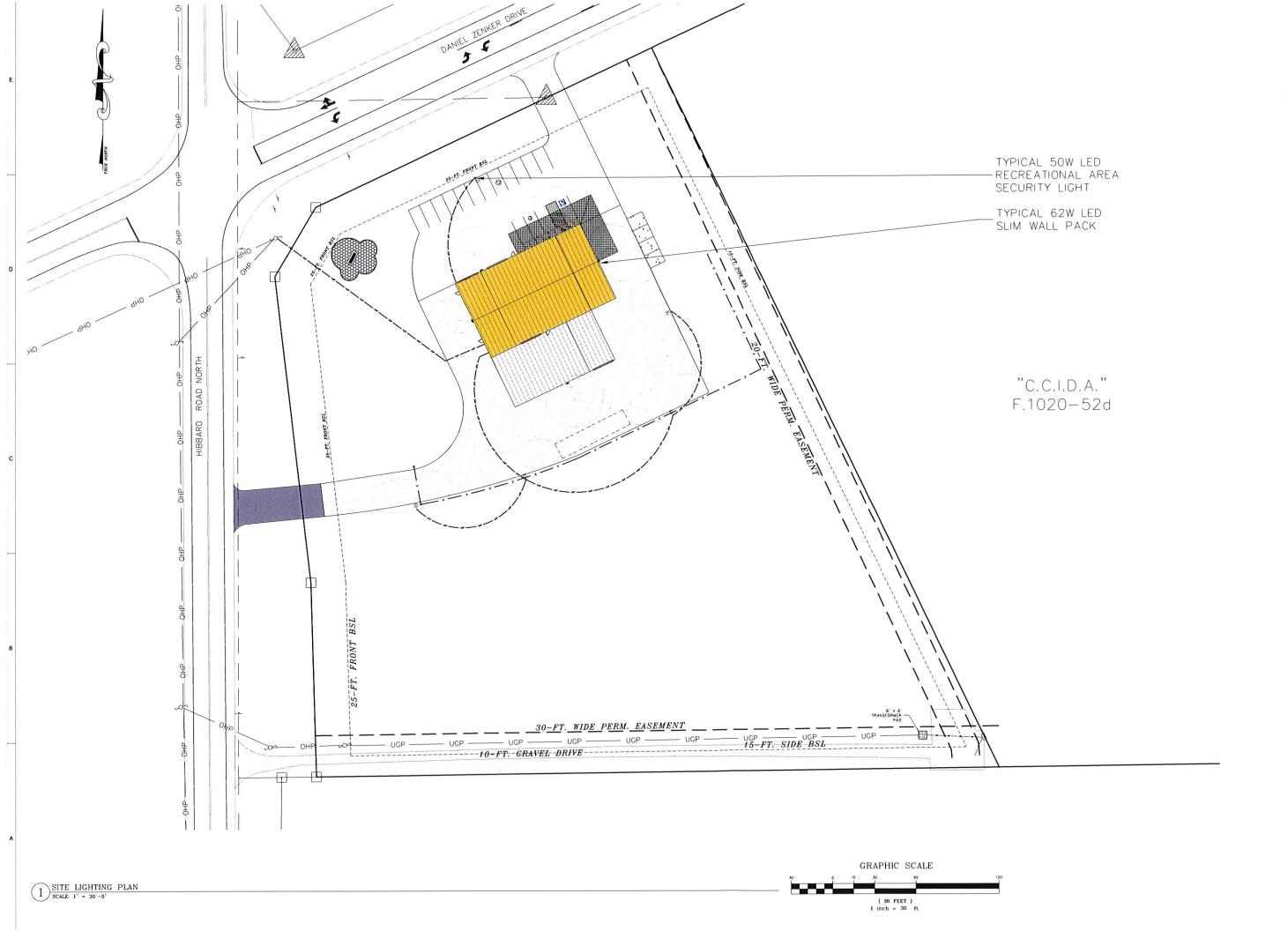
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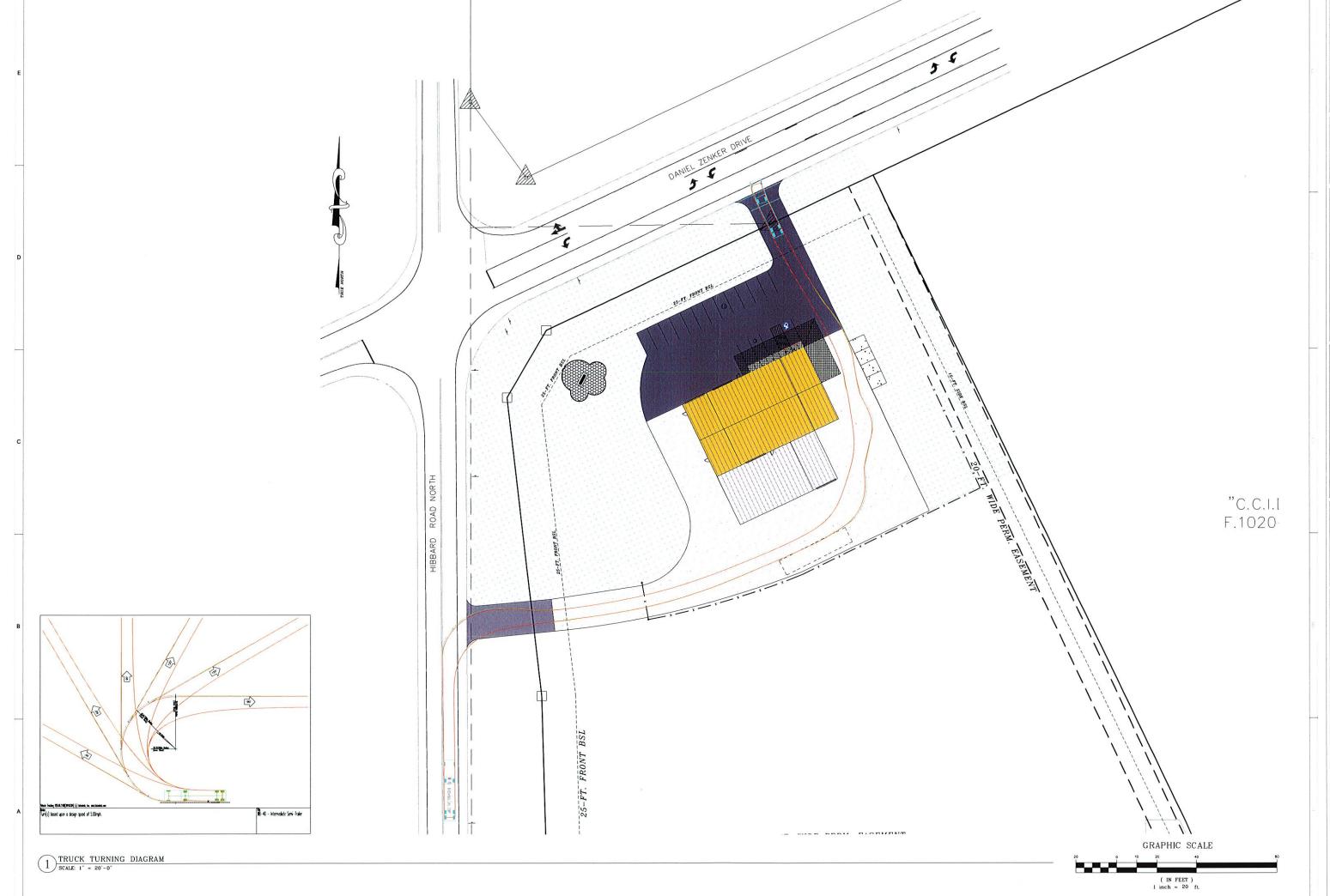
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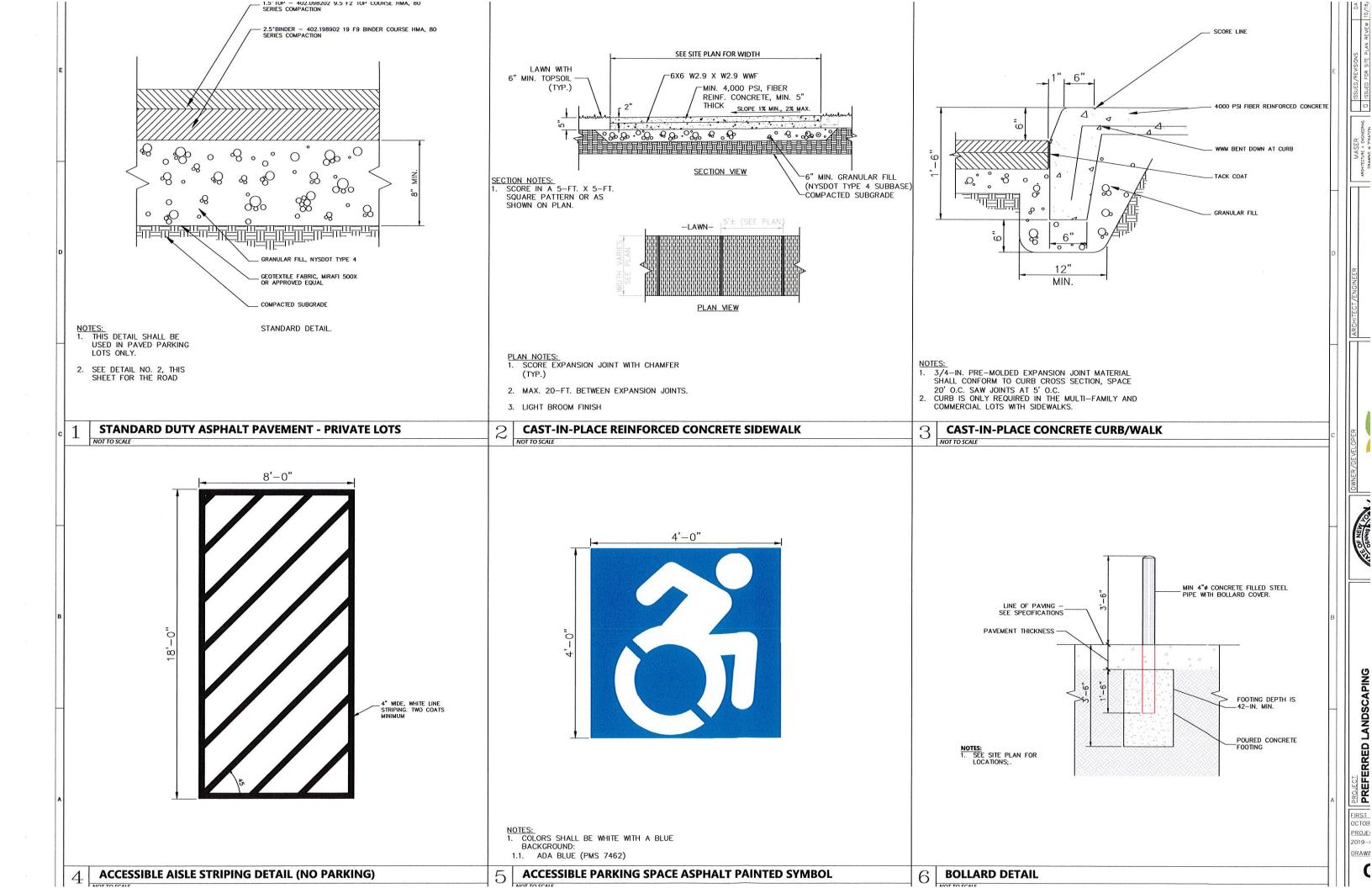
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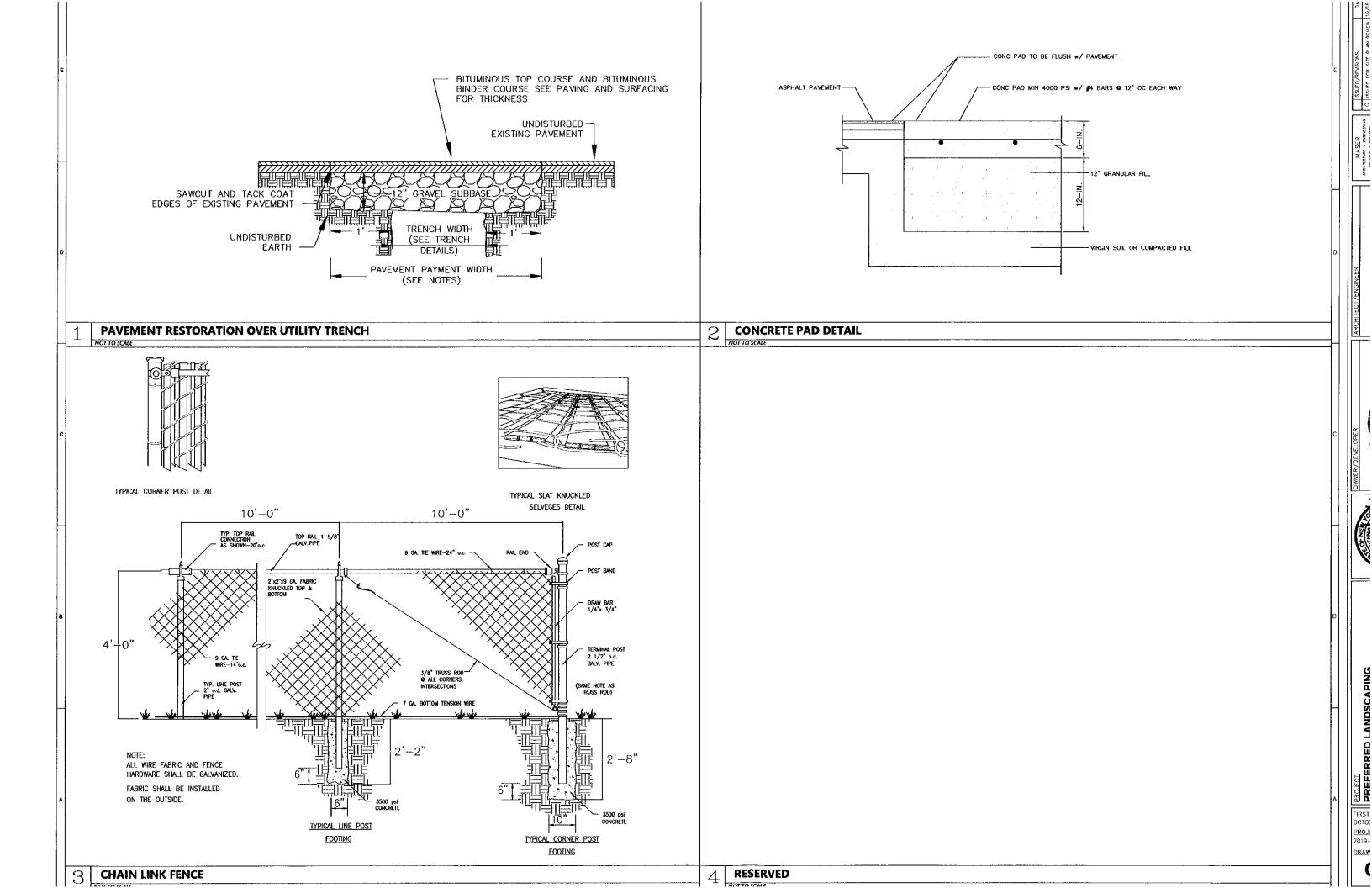
SITE LANDSCAPE PLAN
SCALE 1 = 30 -0

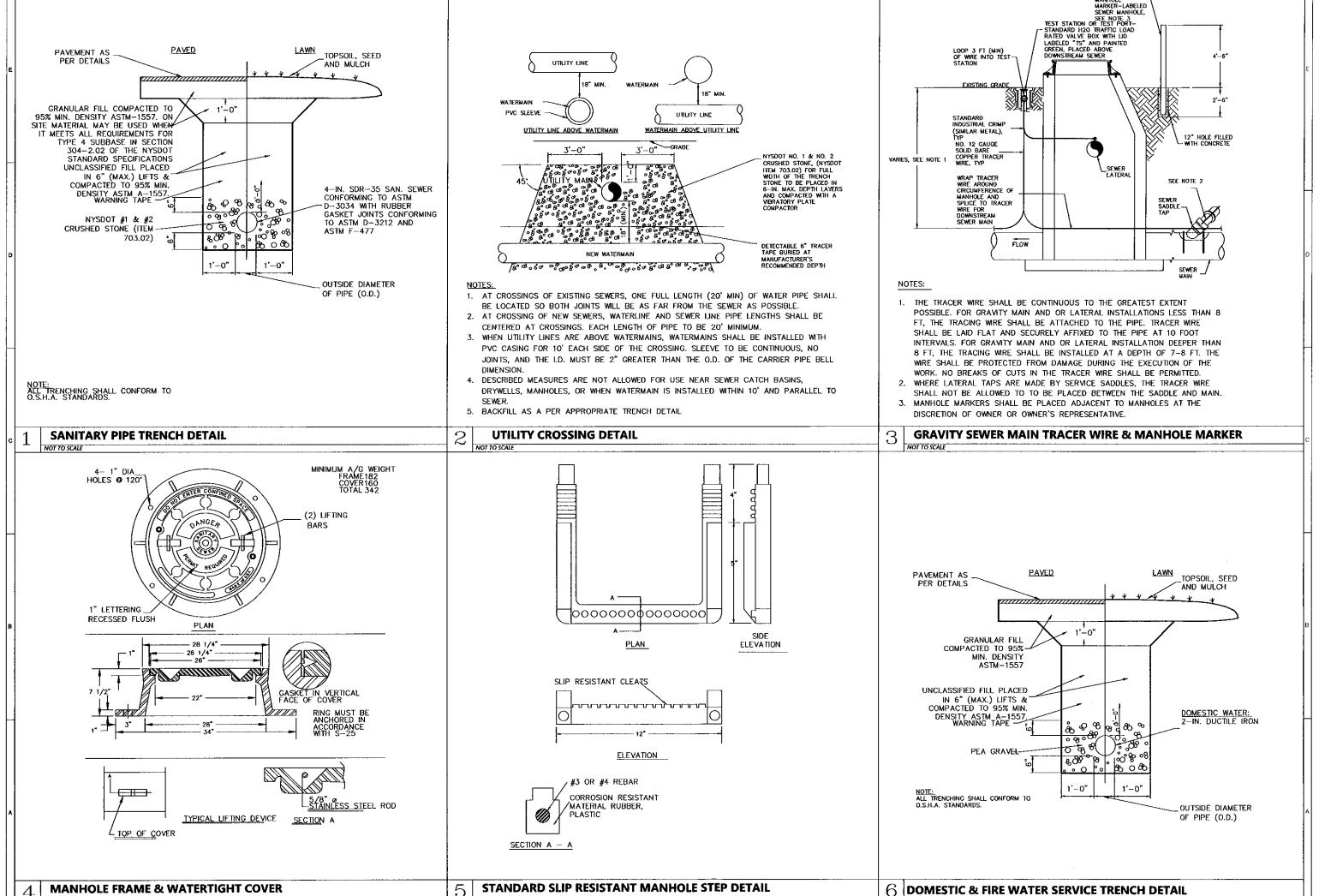
GRAPHIC SCALE (1K FEET) 1 mch = 30 ft



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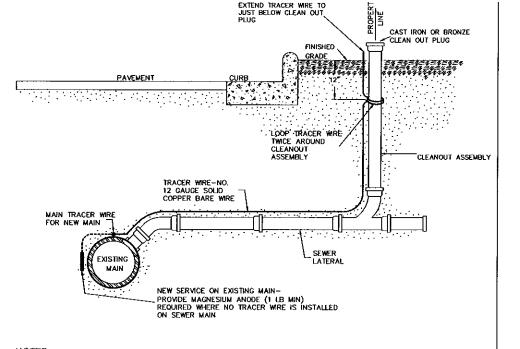


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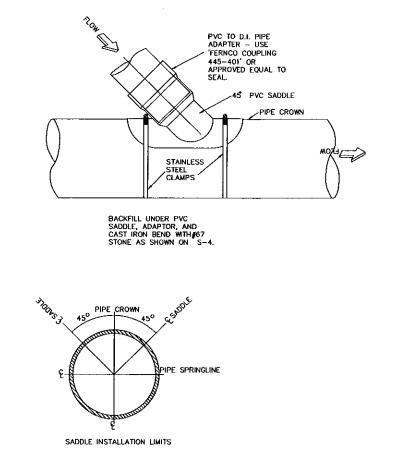
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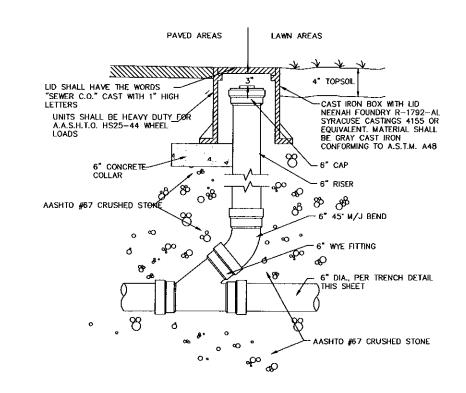
- THE TRACER WIRE SHALL BE CONTINUOUS TO THE GREATEST EXTENT POSSIBLE, WHERE JOINTS ARE NECESSITATED IN THE WIRE, THE JOINTS SHALL BE SECURELY BONDED TOGETHER WITH AN APPROVED INDUSTRIAL CRIMP CONNECTOR TO PROVIDE ELECTRICAL CONTINUITY. CRIMPS SHALL BE SIMILAR METAL
- BE SIMILAR METAL.

 THE CLEANOUT AT THE RIGHT OF WAY AND OR EASEMENT SHALL SERVE AS THE TEST PORT WITH THE TRACING WIRE BROUGHT UP OUTSIDE THE CLEANOUT ASSEMBLY AND WRAPPED AROUND THE STACK TWICE AT A DEPTH OF APPROXIMATELY 12" BELOW GRADE.

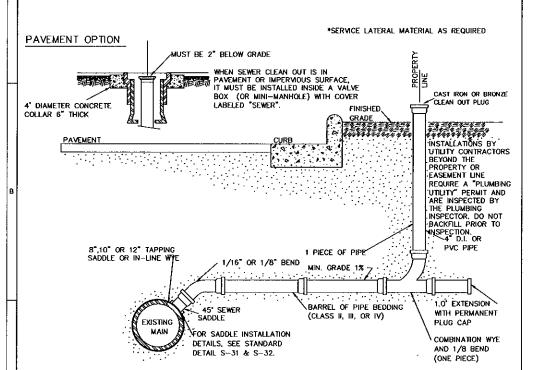
 3. SPLICED CONNECTIONS SHALL BE ALLOWED BETWEEN THE MAIN LINE TRACER WIRE AND THE LATERAL TRACER WIRE.

 4. FOR NEW SEWER TAPS ON EXISTING MAINS VOID OF ANY TRACER WIRE, PROVIDE AN ANODE FOR THE TRACING WIRE TERMINATION AT THE POINT OF THE NEW TAP ON THE EXISTING SEWER MAIN.
- OF THE NEW TAP ON THE EXISTING SEWER MAIN.



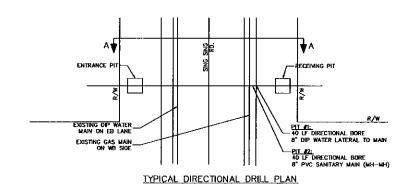


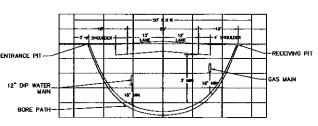
TYPICAL SANITARY SEWER LATERAL TRACER WIRE



THE FULL LENGTH OF THE SERVICE DITCH SHALL BE COMPACTED IN 6" LIFTS WITH MECHANICAL TAMP. ALL TAPS WILL BE MADE USING MECHANICAL TAPPING MACHINE. FOR PVC INSTALLATIONS, SADDLE AND BEND MUST BE BEDDED IN #67 STONE. BEDDING AND HAUNCHING

LATERAL SADDLE INSTALLATION DETAIL FOR PVC PIPE





TYPICAL DIRECTIONAL DRILL PROFILE

- 1. MAXIMUM BACK REAMER SIZE = 6"
- 2. BORE PATH = 50'+/-
- 3. TRACING WIRE TO BE ADHERED TO DIRECTIONAL BORE.
- 4. MINIMUM COVER SHALL BE 4-FT. ON ALL STREETS.
- 5. CONTRACTOR SHALL OBTAIN CLEARANCE FROM CHEMUNG COUNTY AND THE TOWN OF BIG FLATS PRIOR TO PERFORMING THE DIRECTIONAL BORE.

SANITARY SEWER CLEANOUT DETAIL

- PIPE SHALL BE COLOR CODED IN ACCORDANCE WITH OTHER STANDARD DETAILS FOR THE USE OF THE PIPE, WATER, WASTEWATER OR REUSE.
- 2. LOCATING WIRE, TWO LINES, SHALL BE ATTACHED TO THE PIPE. UPON COMPLETION OF DIRECTIONAL DRILL, TESTING OF THE CONTINUITY OF THE WIRE WILL BE PERFORMED. THIS TEST SHALL BE PERFORMED IN THE PRESENCE OF CITY INSPECTOR AND/OR CITY MAINTENANCE PERSONNEL FOR THE APPROPRIATE DIVISION.
- 3. UPON COMPLETION OF DIRECTIONAL DRILL, HYDROSTATIC TEST SHALL BE PERFORMED ON THE PIPE. THE TEST SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS: PRESSURE PIPE PIPE SHALL BE TESTED IN ACCORDANCE WITH UTILITY CARRIED, NON-PRESSURE PIPE PIPE SHALL BE TESTED IN ACCORDANCE WITH UTILITY CARRIED.
- PRIOR TO BEGINNING DIRECTIONAL DRILL, CONTRACTOR IS TO COMPLETE THE HORIZONTAL DIRECTIONAL DRILL PRE-LOG FORM, HDD STANDARD FORM NO. 101. COPY OF THIS FORM IS STANDARD DD-1B.
- 5. IF CONDITIONS WARRANT REMOVAL OF ANY MATERIALS INSTALLED IN A FAILED BORE PATH, AS DETERMINED BY ENGINEER, IT WILL BE AT NO COST TO THE CITY. THE VOID SHOULD BE FILLED WITH EXCAVATABLE FILOWABLE FILL.
- 6. IF THE HORIZONTAL DIRECTIONAL DRILL PATH ENCOUNTERS AN OBSTRUCTION WHICH PREVENTS THE COMPLETION IN ACCORDANCE WITH THE DESIGN LOCATION AND SPECIFICATIONS, THE PIPE IS TO BE TAKEN OUT OF SERVICE AND LEFT IN PLACE AT THE DISCRETION OF THE CITY ENGINEER. A NEW INSTALLATION PROCEDURE AND REVED PLANS ARE TO BE SUBMITTED TO THE CITY FOR REVIEW. IF DURING THE PROCESS OF DIRECTIONAL DRILLING, DAMAGE IS OBSERVED TO EXISTING IMPROVEMENTS WITHIN THE RIGHT OF WAY, ALL WORK IS TO CEASE UNTIL A RESOLUTION TO MINIMIZE FURTHER DAMAGE AND A PLAN OF ACTION FOR RESTORATION IS APPROVED BY THE CITY ENGINEER.
- THE FOLLOWING INFORMATION IS REQUIRED ON ALL HORIZONTAL DIRECTIONAL DRILLING "AS-BUILT" DRAWINGS:

 1. PROVIDE A BORE PATH REPORT TO THE TOWN INSPECTOR. INCLUDE THE FOLLOWING IN THE REPORT:

 1.1. LOCATION OF PROJECT— TO INCLUDE DETAIL REFERENCE TO A PERMANENT STRUCTURE WITH IN THE PROJECT BOUNDARIES FOR BOTH ENTRANCE AND EXIT.

 1.1.2. IDENTIFICATION OF THE DETECTION METHOD USED.

 1.1.3. NAME OF PERSON COLLECTING DATA, INCLUDING TITLE, POSITION AND COMPANY NAME.

 1.1.4. ELEVATIONS AND OFFSET DIMENSIONS FROM BEGINNING LOCATION AND ALIGNMENT SHOWN ON THE APPROVED PLANS.

- 7.2. PLAN SHEET SHALL INCLUDE PLAN VIEW WITH THE FOLLOWING INFORMATION: RIGHT OF WAY, VERTICAL AND HORIZONTAL LOCATION OF PAVEMENT, CURBS AND UTILITIES SHALL BE VERIFIED AND DIMENSIONED FOR EACH STREET CROSSING, THIS INFORMATION SHALL CLEARLY INDICATE IT AS BEING "AS—BUILT" INFORMATION.
- 7.3. PLAN SHEET SHALL INCLUDE PROFILE OF DIRECTIONAL DRILL ALIGNMENT. PROVIDE VERTICAL DATUM OF DRILL PATH, APPROXIMATE LOCATION OF VARIOUS UTILITY, STORMWATER AND OTHER UNDERGROUND SYSTEMS. THIS INFORMATION SHALL CLEARLY INDICATE IT AS BEING "AS-BUILT" INFORMATION. VERTICAL DATUM SHOULD BE SHOWN ON THE PROFILE.
- SHOULD A DIRECTIONAL DRILL BE TERMINATED DUE TO AN OBSTRUCTION WHICH PREVENTS THE COMPLETION OF THE BORE, THE PIPE MAY BE TAKEN OUT OF SERVICE AND LEFT IN PLACE AT THE DISCRETION OF THE TOWN AND COUNTY. THE PIPE SHOULD BE FILLED WITH EXCANATABLE FOLDABLE FILL. SHOW LOCATION OF FAILED BORE AND THIS INFORMATION SHALL CLEARLY INDICATE IT AS BEING "AS-BUILT" INFORMATION.

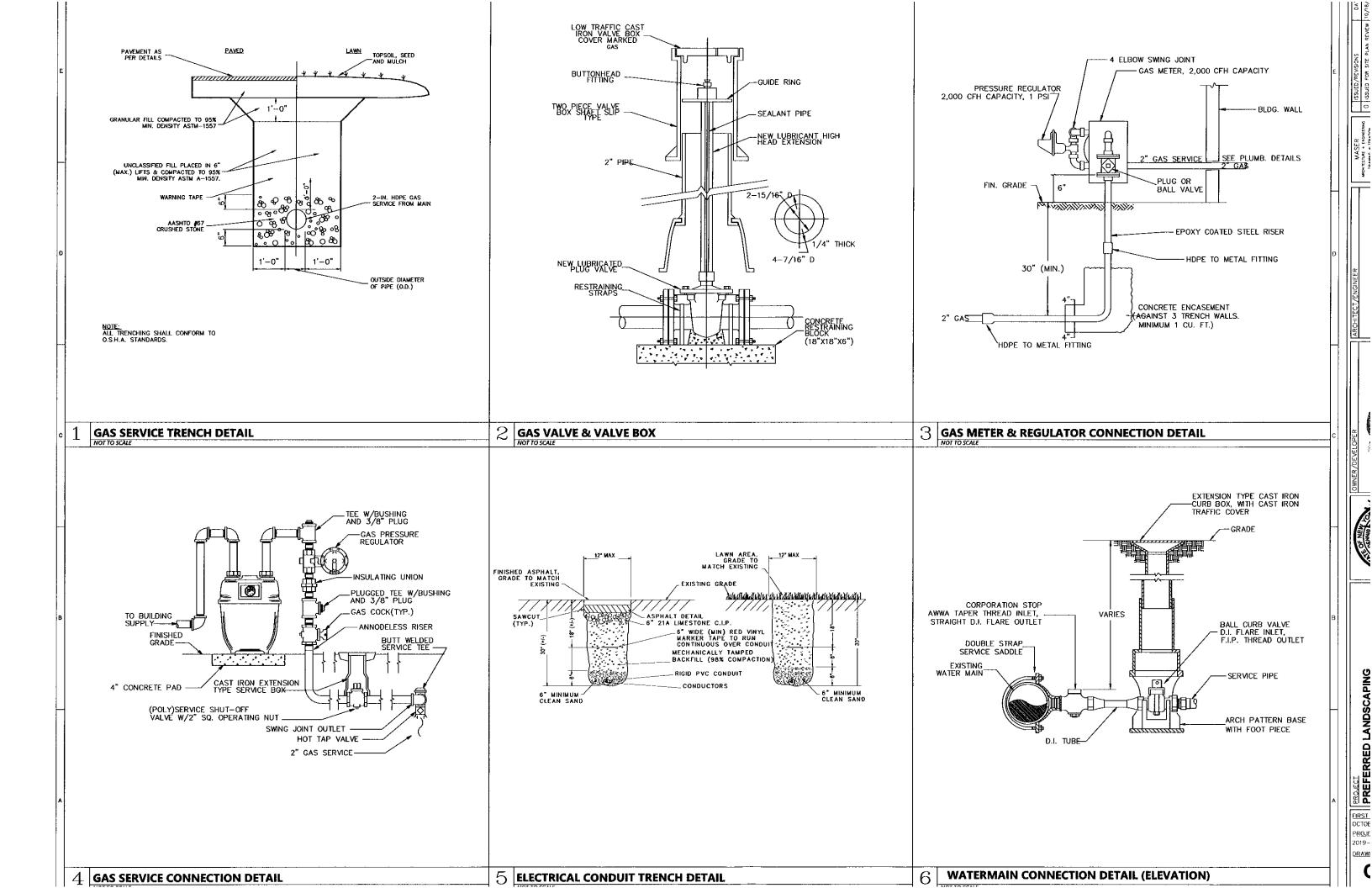
TYPICAL HORIZONTAL DIRECTIONAL DRILL NOTES

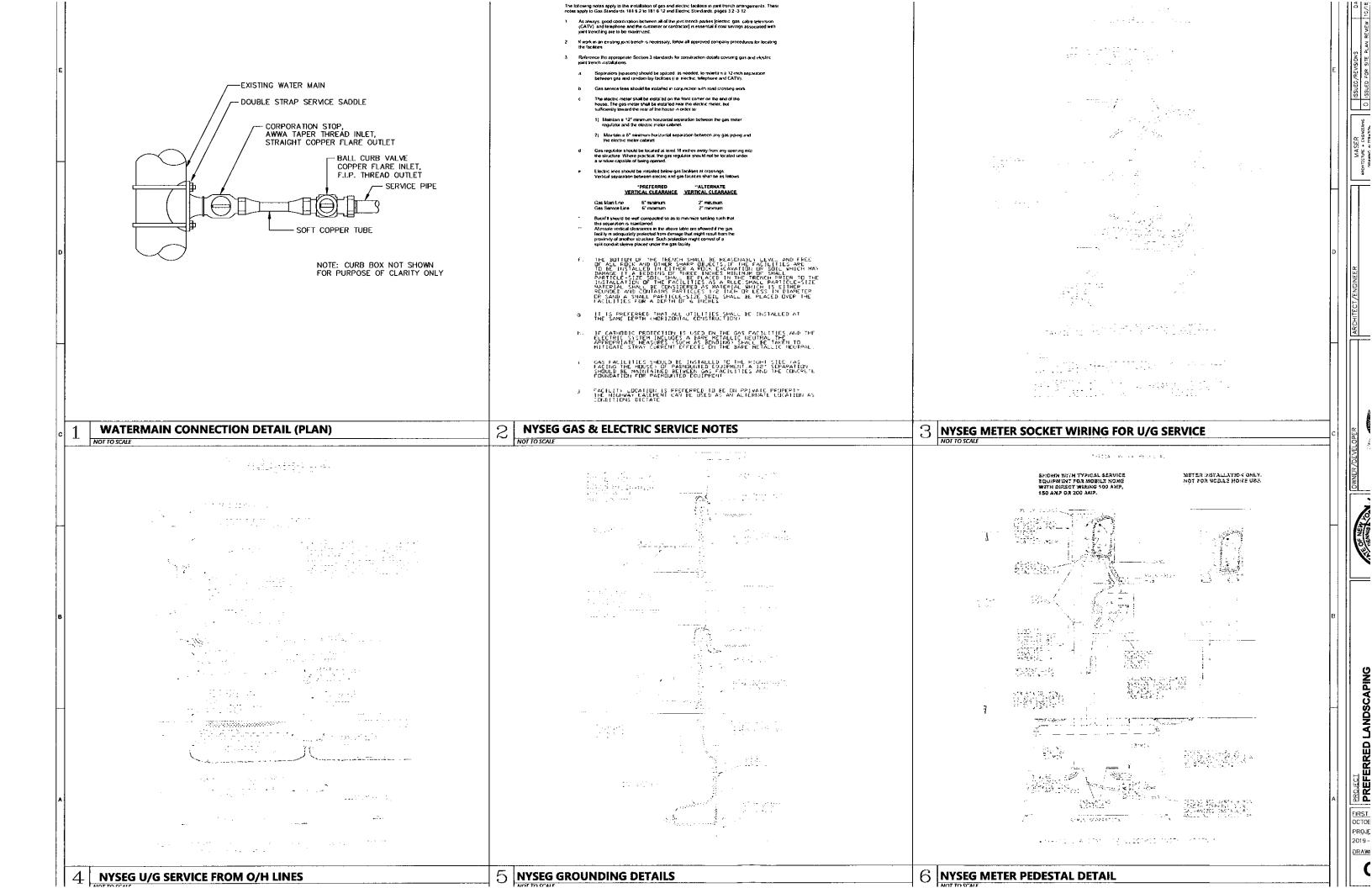
4 TYPICAL SANITARY SEWER LATERAL CONNECTION

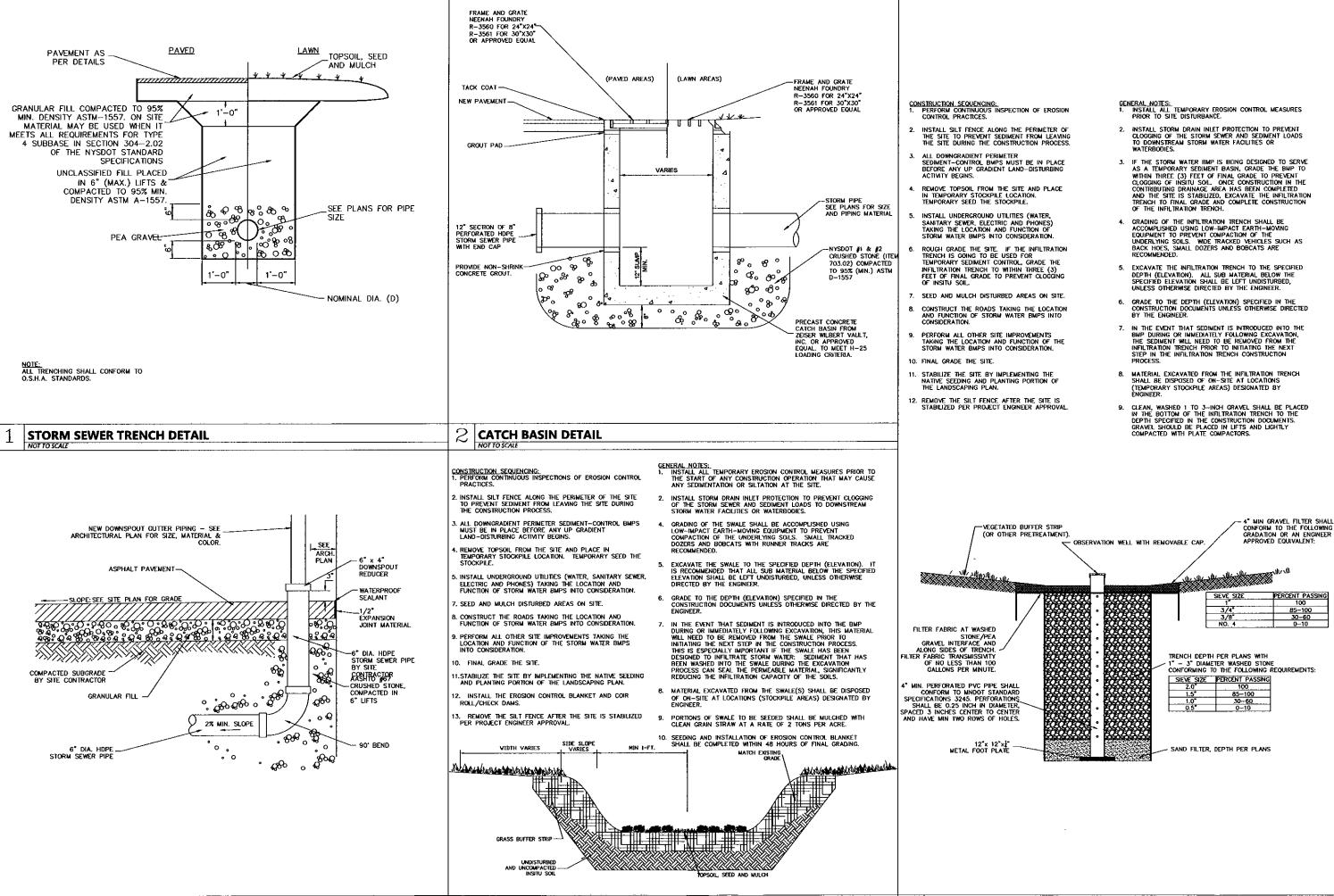
DIRECTION DRILL DETAIL

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5 INFILTRATION TRENCH DETAIL

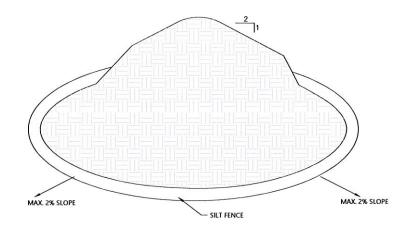
PERCENT PASSING

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ROOF DRAIN CLEANOUT DETAIL

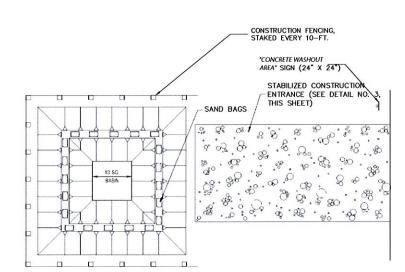
VEGETATED DRY SWALE



SOIL STOCKPILE NOTES:

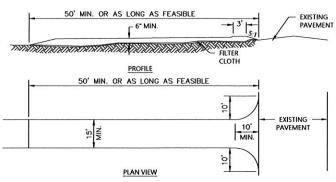
- AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE.
- 2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 1:2.
- UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED WITH SILT FENCE AND THEN STABILIZED WITH SEED OR SECURED IMPERVIOUS COVER.
- 4. SEE SILT FENCE INSTALLATION DETAIL.

SOIL STOCKPILE



NOTES

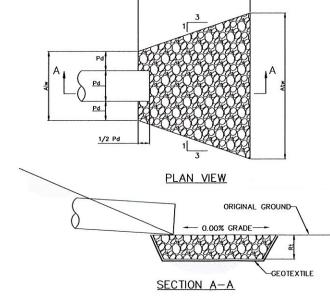
1. ALL TOOLS AND EQUIPMENT UTILIZED DURING ANY CONCRETE CONSTRUCTION, INCLUDING HAND TOOLS, WHEELBARROWS, TRUCK CHUTES, ETC. SHALL UTILIZE THE WASHOUT AREA.



STABILIZED CONSTRUCTION ENTRANCE NOTES:

- 1. STONE SIZE USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- 2. FILTER CLOTH WILL BE PLACED OVER ENTIRE AREA PRIOR TO PLACING OF STONE.
- 3. SURFACE WATER ALL SURFACE WATER FLOWING OR DIRECTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE.
- 4. MAINTENANCE THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING IF SEDIMENT ONTO PUBLIC RIGHTS—OF—WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS—OF—WAY MUST BE REMOVED IMMEDIATELY.
- WASHING WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS—OF—WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- 6. INSPECTION PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

STABILIZED CONSTRUCTION ENTRANCE



		RIPRAP		APRON		
OUTLET NO.	PIPE DIA Pd (IN)	SIZE R	THICK. Rt (IN)	LENGTH AI (FT)	INITIAL WIDTH Aiw (FT)	TERMINA L WIDTH Atw (FT)
88	88	8	88	88	88	88

NOTES:

- 1. ALL APRONS SHALL BE CONSTRUCTED TO THE DIMENSIONS SHOWN.
 TERMINAL WIDTHS SHALL BE ADJUSTED AS NECESSARY TO MATCH
- ALL APRONS SHALL BE INSPECTED AT LEAST WEEKLY AND AFTER EACH RUNOFF EVENT. DISPLACED RIPRAP WITHIN THE APRON SHALL BE REPLACED IMMEDIATELY.
- EXTEND RIPRAP ON BACK SIDE OF APRON TO AT LEAST 1/2 DEPTH OF PIPE ON BOTH SIDES TO PREVENT SCOUR AROUND THE PIPE.

WOVEN WIRE FENCE (MIN. 14 1/2 GAUGE W/ MAX. 6" MESH SPACING)

36" MIN. LENGTH FENCE POSTS DRIVEN MIN. 16-IN. INTO GROUND

PERSPECTIVE VIEW

36" MIN. FENCE POST
WOVEN WIRE MESH
FILTER FABRIG
FLOW

REPLACED SOIL

EMBED FILTER CLOTH A MIN. OF 6" IN GROUND.

SECTION VIEW

NOTES:

- WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POST WITH WIRE TIRES OR STAPLES, POSTS SHALL BE HARDWOOD OR STEEL OF EITHER "T" OR "U" TYPE.
- FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENINGS.
- 3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUAL.
- 4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUAL.
- MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

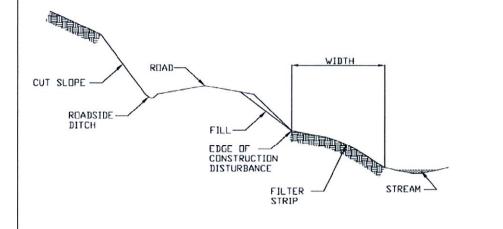
3 SILT FENCE

NOT TO SCILL

BUFFER FII	LTER STRIP		
SIZING			
LAND SLOPE (%)	MIN. FILTER STRIP WIDTH (FT.)		
0 TO 10	50		
20	60		
30	85		
40	105		
50	125		
60	145		
70	165		



PHOTO NO. 3: BUI



6 BUFFER FILTER STRIP

CONCRETE WASHOUT AREA

5 RIPRAP APRON AT PIPE OUTLET - NO FLARED ENDWALL

MAINTENANCE AND REPAIR OF EROSION AND SEDIMENT FACILITIES

4

AT THE END OF THE PROJECT AN INSPECTOR SHOULD BE ABLE TO PUSH A 3/8 INCH METAL BAR 12 INCHES INTO THE SOIL JUST WITH BODY MEIGHT. WITH BODY WEIGHT.

TILLING SHOULD NOT BE PERFORMED WITHIN THE DRIP LINE OF ANY EXISTING TREES OR OVER UTILITY INSTALLATIONS THAT ARE WITHIN 24 INCHES OF THE SURFACE.

ADDITIONAL INFORMATION AND GUIDANCE MAY BE FOUND IN "DEEP-RIPPING AND DECOMPACTION" PUBLISHED BY NYSDEC DIVISION OF WATER 2008.

MULCHING AND SEEDING REQUIREMENTS

CONSTRUCTION SEQUENCING

2019-DRAW

PROJECT

FIRST

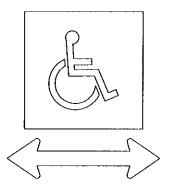
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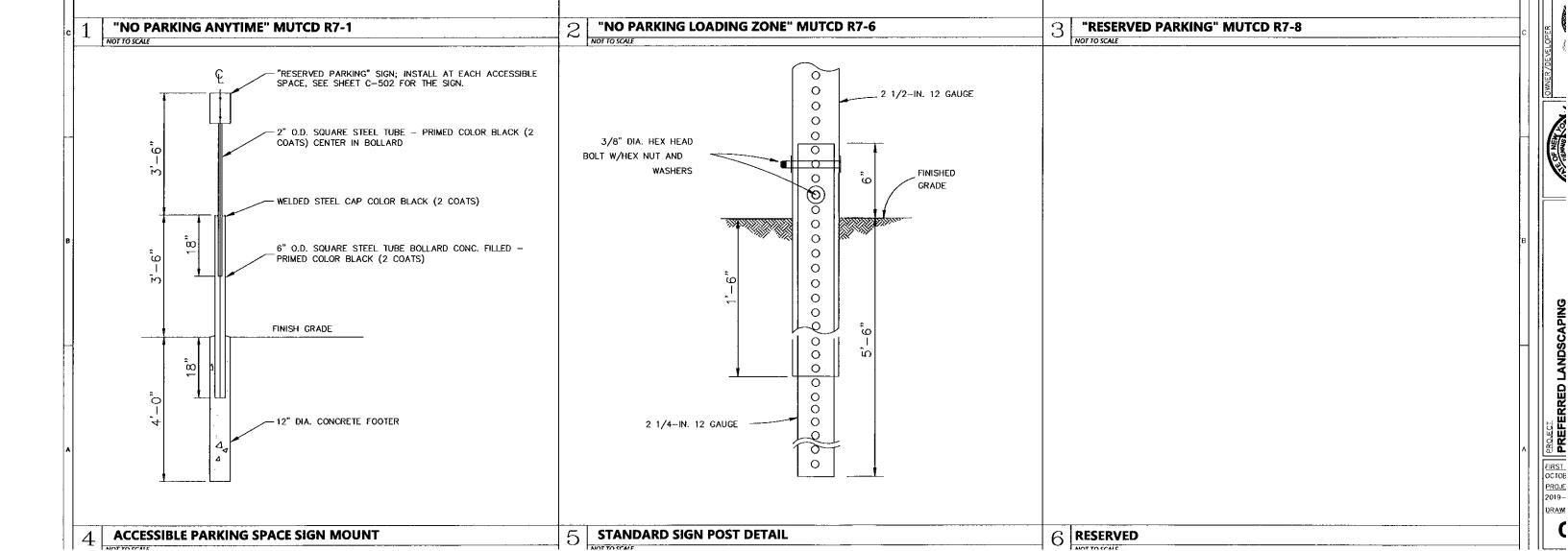
PROJE







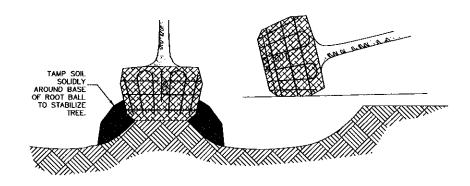




NOTES:

1. PRIOR TO DIGGING TREE AT NURSERY LOCATE THE ROOT FLARE. THIS WILL ALLOW FOR PROPER ROOT BALL SIZING BEFORE DIGGING.

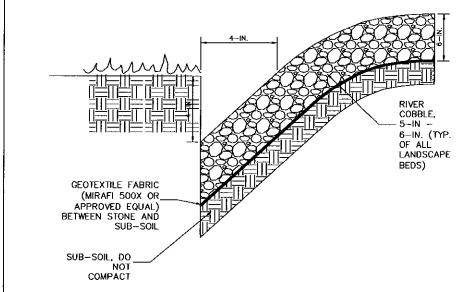
- 2. PRIOR TO PLANTING, VERIFY THE TOP ELEVATION OF THE TRUE ROOT BALL BY REMOVING BURLAP. IF ALIEN SOIL IS PRESENT REMOVE UNTIL THE ROOT FLARE IS EXPOSED.
- 3. AT THIS TIME ANY GIRDLING OR CIRCLING ROOTS SHOULD BE REMOVED. EXCESSIVE GIRDLING OR CIRCLING ROOTS WILL CAUSE THE TREE TO BE REJECTED.
- 4. ONCE SOIL IS REMOVED RETIE DRUM LACING. IF BASKET IS PRESENT, RETIE TO BASKET.
- 5. IF TOO MUCH SOIL IS REMOVED IN THE FIELD THE ROOT BALL IS EFFECTIVELY UNDERSIZED AND WILL BE REJECTED.
- 6. DIG PITS AND BEDS 6 INCHES LARGER THAN PLANT ROOT SYSTEM.
- 7. SET PLANTS VERTICALLY; PLACE FOR BEST APPEARANCE.
- 8. SET PLANTS IN PITS OR BEDS, ON PREPARED TOPSOIL MIXTURE. LAY BARE-ROOTED PLANTS SO ROOTS LIE IN NATURAL POSITION.
- 9. PLACE PREPARED TOPSOIL MIX AROUND PLANT; SETTLE WITH WATER WHEN HOLE IS HALF FULL AND AGAIN WHEN FULL; REMOVE AIR POCKETS.
- 10. BRACE PLANTS AGAINST WIND DAMAGE;
- 11. INSTALL GUY WIRES WITH PROTECTORS WHERE WIRES CONTACT TREES. STAKE IN POSITION,
- 12. POSITION TO PREVENT HAZARDS TO PEDESTRIANS WHERE POSSIBLE.
- 13. DO NOT RESTRICT PLANT MOVEMENT UNDER LIGHT WIND LOADS OR DAMAGE BARK.
- 14. COVER BARE SOIL WITH MINIMUM 4 INCH LAYER OF MULCH.



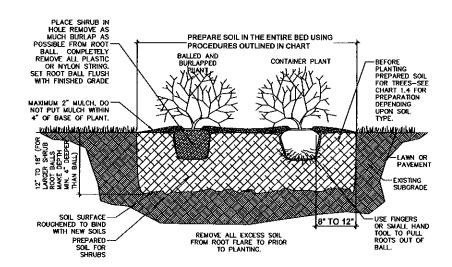
MOTES:

1. LAY TREE ON SIDE TO ACCESS BOTTOM OF TREE. CUT OFF THE BOTTOM OF THE BASKET AND REMOVE. CUT THE LOWEST HORIZONTAL WIRE OF BASKET ONLY. THIS MAY NOT BE ACCESSIBLE AFTER TREE IS IN THE PLANTING HOLE.

- SIT TREE IN PLANTING HOLE ON UNDISTURBED SOIL, STRAIGHTEN AND STABILIZE. CUT THE REMAINING HORIZONTAL WIRES AND REMOVE BASKET.
- 3. ONCE BASKET IS REMOVED, REMOVE TWINE AND BURLAP AS LOW AS POSSIBLE.



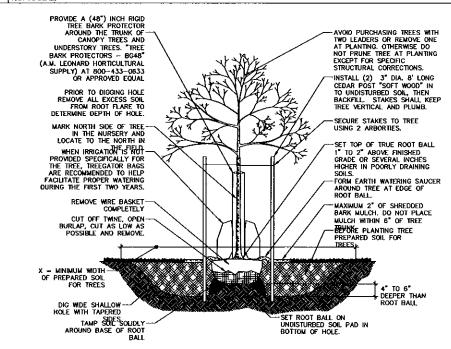
TREE ROOT FLARE DIAGRAM



TOR FOR CONTAINER GROWN TREES USE FINGERS OR SMALL HAND TOOLS TO PULL THE ROOYS OUT OF THE CUTER LAYER OF POFTING SOIL, THEN CUT OR PULL APART ANY ROOT CIRCLING THE PERIMETER OF THE CONTAINER.

- 2. INCORPORATE COMMERCIALLY PREPARED MYCORRHIZAE SPORES AND FERTILIZER TABLETS IN THE SOIL IMMEDIATELY AROUND THE ROOT BALL AT RATE SPECIFIED BY THE MANUFACTURER.
- 3. PRIOR TO INSTALLATION CONFIRM THE SOILS WILL DRAIN PROPERLY. IF NECESSARY PROVIDE PROPER DRAINAGE
- 4. THOROUGHLY SOAK THE ROOT BALL AND THE ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING SUMMER.

REMOVAL OF WIRE BASKETS (IF PRESENT)



FOR CONTAINER GROWN TREES USE FINGERS OR SMALL HAND TOOLS TO PULL THE ROOTS OUT OF THE OUTER LAYER OF POTTING SOIL, THEN CUT OR PULL APART ANY ROOT CIRCLING. THE PERIMETER OF THE CONTAINER.

- 2. INCORPORATE COMMERCIALLY PREPARED MYCORRHIZAE SPORES AND FERTILIZER TABLETS IN THE SOIL IMMEDIATELY AROUND THE ROOT BALL AT RATE SPECIFIED BY THE MANUFACTURER.
- 3. PRIOR TO INSTALLATION CONFIRM THE SOILS WILL DRAIN PROPERLY, IF NECESSARY PROVIDE PROPER DRAINAGE.
- 4. THOROUGHLY SOAK THE ROOT BALL AND THE ADJACENT PREPARED SOIL SEVERAL TIMES DURING THE FIRST MONTH AFTER PLANTING AND REGULARLY THROUGHOUT THE FOLLOWING GROWING SEASONS.

3 LANDSCAPE BED DETAIL & ROCK TYPE

DECIDUOUS TREES							
CALIPER*	HEIGHT	MAX.	MIN. BALL	MIN. BALL			
(IN.)	RANGE	HEIGHT	DIA. (IN.)	DEPTH (IN.)			
1/2"	5'-6'	8'	12*	9"			
3/4"	6'-8'	10'	14"	10-1/2			
1"	8'-10	111	16"	12*			
1-1/4"	8'-10'	12'	18"	13-1/2			
1-1/2"	10'-12'	14	20	13-1/2"			
1-3/4	10'-12'	14"	22"	14-1/2"			
2"	12'-14'	16	24	16"			
2-1/2	12'-14'	16'	28"	18-1/2"			
3*	14'-16'	18	32"	19-1/2			
3-1/2*	14 -16	18'	38	23"			
4*	16 -18	22'	42	25"			
. 5	18'-20'	26'	54	32-1/2"			

, ç	ONIFEROUS TR	EES
HEIGHT	MIN. BALL DIA. (IN.)	MIN. BALL DEPTH (IN.
4"	16"	12*
5'	20"	13-1/2"
6'	22"	14-1/2*
7'	24	16
8'	27"	18-1/2"
10'	34"	21-1/2"
12'	38"	25-1/2"
14"	42"	28"
16'	46"	32
18'	50"	33-1/2

MULTI-STEM TREES					
HEIGHT	MIN. BALL DIA. (IN.)	MIN, BALL DEPTH (IN			
4'	14"	10-1/2"			
5'	16"	12			
6'	18"	13-1/2"			
7'	20"	13-1/2			
8	22	14-1/2			
10'	24	16"			
12'	28	18-1/2"			
14	32"	21-1/2"			
16'	38	25-1/2"			
18'	42"	28"			
20'	48*	32"			

NOTES:

1. SEE AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, FOR COMPLETE LIST OF NURSERY STANDARDS FOR OTHER TYPES AND SIZES OF TREES AND SHRUBS.

2. UP TO AND INCLUDING THE 4-IN, CALIPER SIZE, THE CALIPER MEASUREMENT INDICATES THE DIAMETER OF THE TRUNK 6 IN. ABOVE GROUND LEVEL. FOR LARGER SIZES, THE CALIPER MEASUREMENT IS TAKEN 12 IN, ABOVE GROUND LEVEL.

4 SHRUB PLANTING DETAIL

5 DECIDUOUS TREE PLANTING DETAIL

6 STD. ROOT BALL SIZES: NURSERY-GROWN TREES

FIRST OCTOB

DRAW

PROJE 2019 -



Chemung County Planning Board

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

Referral Number	
For office use only	•

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

(Please complete	ng Board – Municipal Referral Form all information on both pages)
Referring Municipality: ☐ City 🗹 Town ☐ Vil	lage of
Referring Municipality: City Town Vil Referring Official: 1139 Penn Ave, Elmira, NY 14904 Address: 737-5248	Title:
Address:Address:	
737-5268 Phone Number:	_{E-mail:} orocchi@townofsouthport.com
Referring Board (check appropriate box): Legislativ	
Petitioner(s): Michael Reese	Phone: (607) 733-8407
Petitioner's Mailing Address:511 Herrick St, El	Phone: (607) 733-8407 mira, NY 14904 E-mail: Irhollenbeck@gmail.com
Location of Property:	
Tax Map Parcel Number(s):	
Current Zoning District:	
Proposed Action: (check all that apply) ☑ Area Variance □ Use Variance □ Site Plan Review □ Special/Conditional Use Permit □ Comprehensive Plan Adoption / Amendment □ Other (please specify):	 □ Subdivision Review □ Rezoning □ Zoning Text Amendment □ Zoning Map Amendment □ Moratorium

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

Area Variance to operate a used car lot on sub-standard size lot allowed by Town Ordinance Ch. 525-110 Vehicle filling stations, vehicle repair, vehicle sales etc.

525-110 A1a-Lot size shall be greater than 1 acre; lot is less than the required 1 acre.

525-110 A1e-Minimum lot width shall be the greater of 200 feet; lot has 3 front yards none of which meet the required minimum lot width.

525-110 B3a-No vehicle shall be parked, stored or left standing within 15 feet of a road R-O-W.

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 (S	State Park) or any (Other Rec	reation Area):		
(c) Right-of-way of any existing or proposed (County) of (Include (County) or (State Route) # and name of (Road):				
(d) Existing or proposed right-of-way of any stream or 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 agri and markets law (this subparagraph shall not apply to the	granting of area variances: _			
Board	gs/Meetings Schedule Public Hearing Date	Meeting Dates (prior and future)		
Town Board/Village Board of Trustees	r done ricums bute	meeting sates (prior and ratary)		
Zoning Board of Appeals	January 15, 2020	December 18, 2019		
Planning Board/Planning Commission				
City Council				
Action taken on this application (reviewed, approved the December Board of Appeals meeting		cation will be presented at		
As defined in NYS Ge Please make sure you have enclosed the follow For All Actions: Chemung County Planning Board – M	unicipal Referral Form ocal law/ordinance to be cor m (EAF) or Environmental Im	with your referral, as appropriate. Insidered a "complete application" at the appropriate application at the appropriate application.		
Agricultural Data Statement, for site psubdivision review located in an Agric Agricultural District, per Ag. Districts I Municipal board meeting minutes on For Proposing or Amending Zoning Ordinance Report/minutes from Town Board, Vil Zoning Map	plan review, special/condition rultural District or within 500 aw Article 25AA §305-a, Tow the proposed action (PDF proposed action) above a sor Local Laws: The above allage Board or Trustees or Plana	nal use permit, use variances, or feet of a farm operation located in an vn Law §283-a, and Village Law §7-739. eferred). requirements AND anning Board (PDF preferred)		
Complete text of proposed law, comprehensive plan, or ordinance (PDF preferred)				

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



BOARD OF APPEALS

Date
I/We hereby appeal to the Town of Southport Board of Appeals Applicant name: Michael Reese
Applicant address: 511 Herrick St Elmira, NY 14904
regarding the decision of the Town of Southport Code Enforcement Officer on an application in the year 2019 denied for the following:
Permit to Build Permit for Occupancy Certificate of Existing Use ✓ Permit for Use Temporary permit or extension thereof
Property Location: 1495 Cedar St Tax map #: 109.11-2-13 Zoned: CR Current Use: Commercial Requires Planning Board Approval Yes
Appeal is made herewith for:
Interpretation of the Zoning Ordinance or Zoning Map Area Variance Use Variance Appeal of Zoning Officer Decision (other than above)
Zoning ordinance section reference: 525-110 Vehicle sales
Previous appeal \checkmark has <u>not</u> been made with respect to this decision of the Code Enforcement Officer or with respect to this property.
Previous Appeal has been made with respect to this. Such appeal(s) were made in appeal dated in the form of:
Requested interpretation Temporary permit Request for variance

REASON FOR APPEAL:

Data: 11/22/2010

Area Variance to operate a used car lot on sub-standard size lot allowed by Town Ordinance Ch. 525-110 Vehicle filling stations, vehicle repair, vehicle sales etc. 525-110 A1a-Lot size shall be greater than 1 acre; lot is less than the required 1 acre. 525-110 A1e-Minimum lot width shall be the greater of 200 feet; lot has 3 front yards none of which meet the required minimum lot width. 525-110 B3a-No vehicle shall be parked, stored or left standing within 15 feet of a road R-O-W.



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue, Elmira, NY 14904

Variance Procedure

Variance 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 variance property stating the date and time of the Public Hearing. It will take at least two meetings before you will have the Board of Appeals decision. There is no guarantee your variance will be granted. If your Variance is granted, you may also be required to go before the Planning Board for Site Plan Review. Code Enforcement will provide you with all information needed.

If the Variance application is approved, a Building Permit is required for any construction, renovations, or alterations. ALL commercial projects will require prints signed by a Licensed Architect or Engineer. ALL other projects costing \$20,000 and over will require prints signed by a Licensed Architect or Engineer. Discuss your project fully with the Code Enforcement Officer.

- 1. Write a detailed letter to the **Board of Appeals** explaining your request. Include answers to all required Questions.
- 2. Fill out and sign the attached State Environmental Assessment (SEQR) form.

6. Application fee: (\$75.00 / Make check payable to "Town of Southport".

- 3. Read, sign and date the Acknowledgement Sheet.
- 4. Submit a property survey performed by a Licensed Surveyor depicting all Bulk & Density requirements and actual dimensions. Major projects will require full Site Plan drawings. Discuss with Code Enforcement Officer.
- 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).

- FF			
Submit all paperwork to	our office 10 c	ays prior to the Board of Appeals meeting	
(Incomplete Application	ons will not be	heard. Late Applications will be put on the next Agenda.)	
First meeting (You or your represen	12/18 tative must at	Wednesday at 7:00 PM at the Town Hall.	

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

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 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 s	ignature	Mill Ge	Reese		Date _	11/20/2019
Address	5/1	Herrick	51.	Elmin	WK	14904
Phone	607-	733-8407	> _ Email addre	ess <u> </u>	enbeck	@ 6mil.com
	(c	ell)			· ·	

Last Updated: February 2019

Area Variances

- A. The Zoning Board of Appeals, on an appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant Area Variances as defined herein.
- B. In making the determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant, if the Area Variance is granted, as weighed against the detriment to the health, safety, and general welfare of the neighborhood or community by such grant. In making such determination, the Board of Appeals shall consider the following:
 - (1) Whether an undesirable change will be produced in the character of the neighborhood or community or a detriment to nearby properties will be created by the granting of the Area Variance;
 - (2) Whether the benefit sought by the Applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance;
 - (3) Whether the requested Area Variance is substantial;
 - (4) Whether the proposed Area Variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or District;
 - (5) Whether an alleged difficulty of compliance with the zoning requirement was selfcreated, which is relevant to the decision but shall not necessarily preclude the granting of the Area Variance.

<u>ACKNOWLEDGEMENT</u>

The above information explains what the Board of Appeals will be considering on an Area Variance application.

I acknowledge receiving a copy of this explanation sheet and that it is my responsibility to provide written proof in response to the required questions prior to the Informational Hearing and discuss with the Board of Appeals how my application for an Area Variance complies with all of the issues listed above. I understand that a Public Hearing will not be scheduled without all required information submitted.

Applicant Signature

Date

11-120/2019

To the southport town board, I write this letter asking for a chance to open a used car lot at the property of 1495 Cedar St. Elmira NY.

The property is already zoned CR

There has been a used car lot on this property in the past,

This was before the Comprehensive plan was rewritten to add

A used car lot can not be opened in the town of southport unless the property is one full acre of commercial property

This is what i am asking a variance for.

There will be no changes to the property that will be detremental to the surrounding. The lot is already there and available. I will be doing lanscaping to better promote the apperance of the property.

There will be no adverse affect toward the property itself or any surrounding areas

There is no other way to put a car lot on this property without thye variance.

I will gladly do each and every step that it takes to open this buisness with accordance to the Town of Southports Laws and Regulations

I also feel that the proposed area variance, will not have an adverse affect or impact on the physical or environmental conditions in the neighborhood.

Annil Ken 11/20/2019

Thank you very much for your time on this matter

I Andy Mallow give permission to Michaael J Reese to use the property
of 1495 cedar st. Elmira NY 14904. For use as a retail used car lot
We have made a renters agreement and he will be leasing part of this property
Thank you Andy Mallow (owner of property)

June, million

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: Reese Auto Sales					
Project Location (describe, and attach a location map): 1495 cedar Stt Elmira NY 14904	and state		3018000-00		
Brief Description of Proposed Action: Used vehicle sales lot . Approx, 15 used cars .ranging in price from \$5 There has been a car lot at this location in the past.	5,000 TC) \$10,000 Dollars.			
Name of Applicant or Sponsor:	Telepi	none: 6077338407			
Michael J Reese		il: lrhollenbeck@gmail.com			
Address: 511 Herrick St	L				
City/PO: Elmira		State: NY	Zip 1490	Code: 4	
1. Does the proposed action only involve the legislative adoption of a plan, l	ocal law	, ordinance,	1	NO	YES
administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and may be affected in the municipality and proceed to Part 2. If no, continue to			hat		√
2. Does the proposed action require a permit, approval or funding from any If Yes, list agency(s) name and permit or approval:	other go	overnmental Agency?	-	NO	YES
NYSDMV permit license	a ii dh				✓
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? acres 3.49 acres					
4. Check all land uses that occur on, adjoining and near the proposed action ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Comm ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other ☐ Parkland	nercial	Residential (suburl	ban)		

5. Is the proposed action, NO	YES	N/A
a. A permitted use under the zoning regulations?	√	
b. Consistent with the adopted comprehensive plan?		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES
-	NO	VES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:	NO	YES
	V	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES
	✓	
b. Are public transportation service(s) available at or near the site of the proposed action?		✓
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		√
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES
If the proposed action will exceed requirements, describe design features and technologies.		1
10. Will the proposed action connect to an existing public/private water supply?	NO	YES
If No, describe method for providing potable water:		V
11. Will the proposed action connect to existing wastewater utilities?	NO	YES
If No, describe method for providing wastewater treatment:		V
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic	NO	YES
Places? b. Is the proposed action located in an archeological sensitive area?	✓	
b. Is the proposed action located in an archeological sensitive area.	V	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain	NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?	✓	닏
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:	V	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all tha	it apply:	
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed	NO	YES
by the State or Federal government as threatened or endangered?	V	
16. Is the project site located in the 100 year flood plain?	NO	YES
10. 10 the project one received in the 100 year move priming	1	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes, a. Will storm water discharges flow to adjacent properties?	√	
		+
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: NO YES		
in res, oneny describe.		
	-	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:	V	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	✓	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
contaminated soil was found It was cleaned up see attached form		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE I KNOWLEDGE	BEST O	FMY
Applicant/sponsor name: Michael J Reese Signature: Michael J Reese Date: 11/20/2019		



December 14, 2015

Tammy Pabis Elmira Savings Bank 333 E. Water Street Elmira, NY 14901

RE:

Soil Testing Results – Area Below Exhaust Vent Former Rodabaugh's Auto Body Shop Property 1495 Cedar Street Elmira (Town of Southport), New York

Dear Ms. Pabis,

As a result of the Phase I Environmental Site Assessment (ESA) conducted by Fagan Engineers & Land Surveyors, PC (FE) in June 2015, soil testing of the area below the former paint booth exhaust vent, that was observed to visibly show signs of potential impacts from years of paint fumes being exhausted to that area at the above referenced property in Elmira, NY, was recommended. On June 30, 2015, Fran Connor of Test Assured Network collected composite samples from the area in question and submitted them to ALS Environmental Laboratories in Rochester, New York for analysis of compounds commonly found in paints, primers, thinners / solvents and paint associated products.

The results of the analyses revealed that the VOCs (volatile organic compounds - method 8260C) were all none detected; two SVOCs (semi-volatile compounds – method 8270D), Bis(2-ethylhexyl) Phthlate (14,000 $\mu g/kg)$ and Butyl Benzyl Phthlate (600,000 $\mu g/kg)$, which are used in some paint pigments & paints, were detected but are not listed in the NYSDEC Part 375-6.8 SCO (Soil Cleanup Objectives) tables. In addition to these two SVOCs, two metals, chromium (428 mg/kg) and lead (2440 mg/kg), which are commonly found in paints (lead has been banned for several years-but since the body shop was there for several years it was most likely using lead paint at some point) were found at levels above the unrestricted SCOs / standards of *1/30 mg/kg and 63 mg/kg respectively and also above the commercial SCOs / standards of *400/1500 mg/kg and 1000 mg/kg respectively.

*the NYSDEC Part 375-6.8 SCO tables do not list a standard for total chromium only for hexachromium and trivalent chromium which are considered as being in the same family of compounds.

Based on the results FE's professional opinion was that remedial measures needed to be taken to bring the soil, in the that area, into compliance with the soil cleanup objectives (commercial or

Page 2 Ms. Tammy Pabis December 14, 2015

unrestricted if possible). This opinion was recommended to the owner Mr. Jim Biggs (Ransom Properties, LLC). It was also relayed that the excavated contaminated soils needed to be disposed of properly at an approved facility and confirmation testing of the remaining soil (insitu) needed to be conducted to ensure it would meet the SCOs.

After excavation of the contaminated soils, which Mr. Biggs performed himself, a sample of the in-situ soil was collected on September 15, 2015 and submitted to the laboratory to be analyzed for chromium and lead. The results for the September 15, 2015 samples for chromium and lead were found to be below both the Unrestricted use and Commercial SCO's with the exception of the hexachromium SCO of 1 ug/kg. Additionally a sample was collected from the excavated soil pile and submitted for analysis for disposal as required by Casella Waste Systems for disposal in the Chemung County landfill, which reportedly was approved for disposal. However at last report the excavated soil had not been transported from the site to the landfill for proper disposal.

Enclosed are summary tables showing the June 30, 2015 and September 15, 2015 and the applicable SCO's and copies of the laboratory analytical reports.

If I can be of any further assistance please feel free to contact me.

Respectfully,

FAGAN ENGINEERS & LAND SURVEYORS, PC

Randy J. Sheffler Project Manager

Enclosure

Cc: Jim Biggs

Andrew Mallow

Randy J. Sheppy

December 16, 2015

James Briggs Ransome Properties 1495 Cedar Street Elmira, NY 14904

RE: Chemung County Landfill Certificate of Disposal

Dear Mr. Briggs:

On December 16, 2015; 3.92 tons of contaminated soil from Ransome Properties was delivered to the Chemung County Landfill under approval number 6116. Pursuant to our NYSDEC Solid Waste Permit # 8-0728-00004/00013, all materials brought into our facility are disposed of, compacted and covered daily as required. Landfill management was onsite during the delivery of the above referenced material to ensure that it was buried and covered, as required.

Thank you for your interests in using our facility for your disposal needs. Please feel free to contact me if you have any questions, or require any additional information at jerry.leone@casella.com or at 607-435-9996.

Best regards,

CHEMUNG LANDFILL, LLC

Jerry Leone
Regional Engineer

P.O. Box 2178 Elmira, NY 14903 Phone: (607) 737-2980 Fax: (607) 737-2967



SPECIAL WASTE

A) -	1	1110
Manifest No. Profile No.	6	110
Profile No.	0	758

Generator Name: Ransome Popular Description of Waste: Contaminated Soil Flom auto
Address: 1495 Cedar St. Special Handling: Shop
Elmira, NY 14904 Well Site:
Phone Number: 607-733-0505
James Biggs
GENERATOR/AGENT TO COMPLETE THE FOLLOWING:
Container Type: OT RIO Container Size: 10Vd Estimated Vol: 2 tons or C.Y.
I hereby certify that the above named material does not contain free liquid as defined by 40 CFR Part 260 10 or any applicable state law, is not a hazardous waste as defined by 40 CFR Part 261 or any applicable state law, has been properly described, classified and packaged, and is in proper condition for transportation according to applicable regulations.
PAuthorized Agent: JAMIES R. 13/595 Signature Signature Signature
APPROVED DESTINATION: (Check Applicable Destination Facility For This Load - CHECK ONLY ONE)
Ontario County Landfill 1879 Route 5 & 20 Stanley, NY 14561 Tel: (585) 526-4420 Hyland Landfill 6653 Herdman Road Angelica, NY 14709 Tel: (585) 466-7271 Chemung County Landfill 1488 County Route 60 Chemung, NY 14903 Tel: (607) 529-3444 Chemung, NY 14903 Painted Post, NY 14870 Tel: (607) 937-6044
TRANSPORTER TO COMPLETE THE FOLLOWING:
Transporter: CASELLA WASTE SERVICES Telephone: 607-796-2000
NYSDEC 364 Permit No.: 8A-695 Expiration Date: 03/16/2012
Site Address (Location of Truck Loading): 1618 SEARS ROAD, ELMIRA, NY 14903
Truck No.: 4328 License Plate No: 29013 PC State: New York
Driver: Edwin Milly Printed Name Signature Date
WEIGHMASTER TO COMPLETE THE FOLLOWING:
Acknowledging Receipt of Materials
Signature: Date: 12/15/15

Original - Disposal Facility, Yellow Copy - Generator, Pink Copy - Transporter, Green Copy - Contractor/Agent

CHEMUNG COUNTY LANDFILL A DIVISION OF CASELLA WASTE SYSTEMS INC 1690 LAKE STREET ELMIRA, NY 14902 TICKET: 214375 DATE: 12/15/2015 TIME: 09:48 - 10:10

CUSTOMER: LK00022 / SDS HORSEHEADS

HAULCUST:

WO: 0 APPROVAL #:

GROSS: 42660 LBS

P. O. :

ORIGIN: CHEM / CHEMUNG COUNTY TRUCK: SDS4328

TRAILER:

TARE: 34820 LBS NET: 7840 LBS

GENERATOR: RAN / RANSOME PROPERTERBFILE #: 6116

HAULER: SDS / SDS HORSEHEADS

ROUTE: NA / NON APPLICABLE

CELL/TANK: MSW - 4A

COMMENT: 0758 MATERIAL

QUANTITY UNIT

6116 / CONT. SOIL W/DRIED PAIN

3.9200

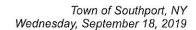
ST

I Certify under penalty of perjury that I am familiar with wastes authorized at this facility and that to the best of my knowledge all waste contained in this load is authorized for disposal at this facility.

Weighmaster: X

Driver:

... ...





Chapter 525. Zoning

Article IX. Development Requirements

§ 525-110. Vehicle filling stations, vehicle repair, vehicle sales and heavy equipment vehicle sales and/or repair, and/or contractor's equipment yard.

A. Dimensional requirements.

- (1) Minimum lot size, lot width and setback requirements:
 - (a) Minimum lot size for a vehicle filling station, vehicle repair, vehicle sales and heavy equipment vehicle sales uses shall be the greater of either one acre or the minimum lot area requirement prescribed in Article V, § 525-24.^[1]
 - [1] Editor's Note: See the Bulk and Density Control Schedule, which is included as an attachment to this chapter.
 - (b) Minimum lot size for a contractor's equipment yard and heavy equipment repair uses in the AR Zoning District shall be five acres.
 - (c) In those instances where a vehicle filling station, vehicle repair, vehicle sales and heavy equipment vehicle sales and/or repair and/or contractor's equipment yard uses are proposed as part of a mall or plaza, there shall be dedicated for such use a minimum lot area of one acre.
 - (d) In addition to any required lot area and/or setback, a developer may be required to provide any additional space necessary, as determined by an approved site plan, to mitigate any potential impact on surrounding lots or uses.
 - (e) The minimum lot width shall be the greater of 200 feet or the minimum lot width prescribed in Article V, § 525-24.
 - (f) Fuel-dispensing devices shall be located at least 25 feet from any front lot line and 50 feet from any side or rear lot line. This distance shall be measured from the outermost edge of the fuel island structure.

B. General requirements.

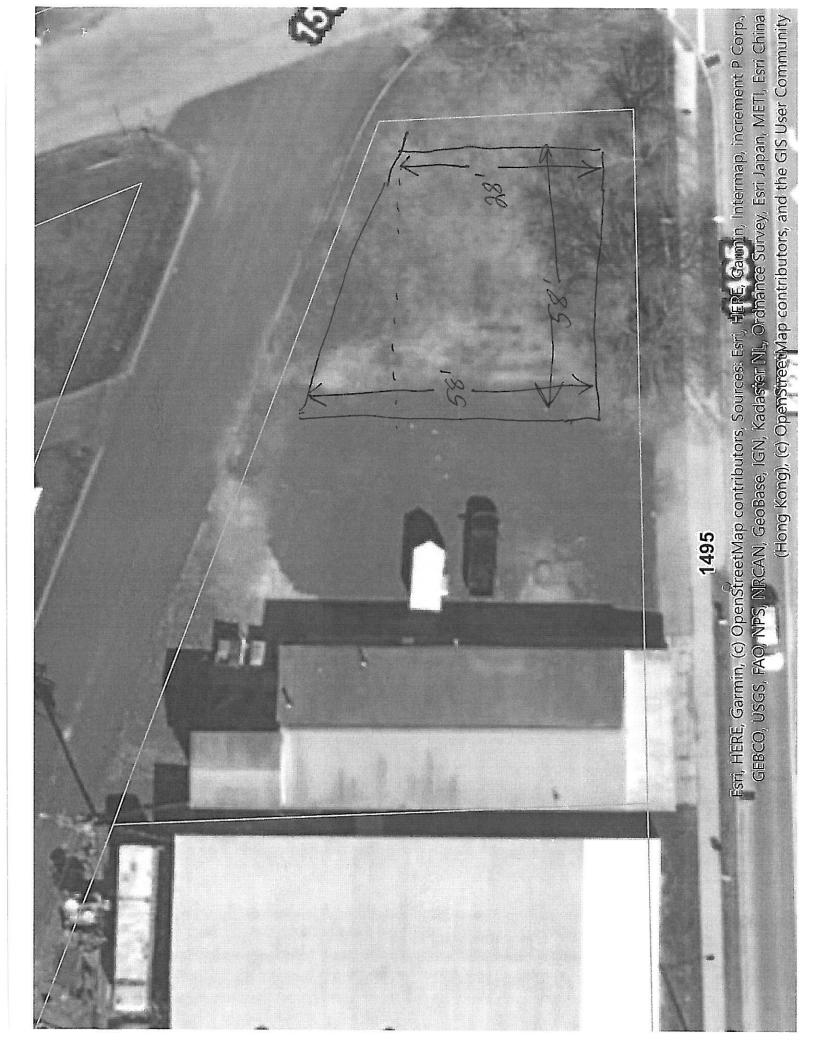
- (1) Automobile parts, including tires, frames, hubcaps, and motors, and dismantled or unregistered motor vehicles are to be stored within a structure or otherwise screened from view from any adjoining lot or road. Accessory products that are offered for sale may be placed outside during normal business hours, provided that such items are stored or displayed in a rack.
- (2) All repair work shall be performed within a building. Vehicles waiting to be serviced or stored on the lot shall not be parked or stored in any required yard. Wrecked vehicles being held for

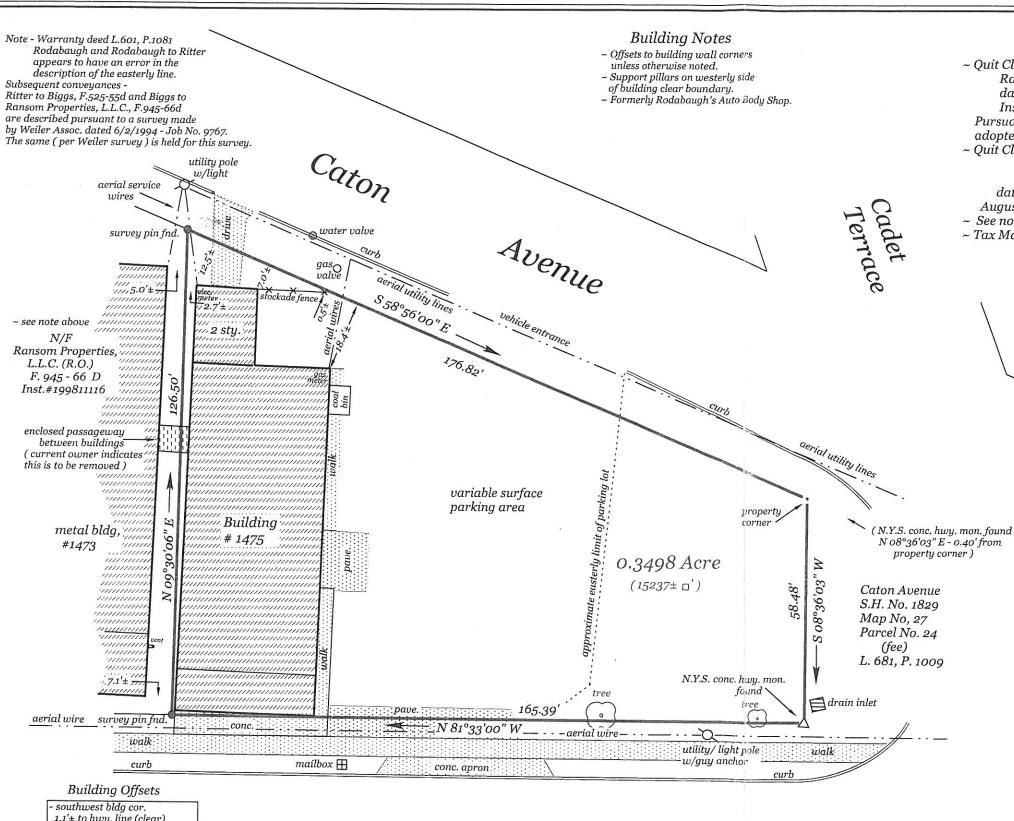
insurance adjustment or other legal purpose shall be stored behind the rear wall of the building and screened from view from an adjoining lot or road.

- (a) Over-the-road equipment associated with contractors' equipment yards shall not exceed a GVWR (gross vehicle weight rating) of 33,000 pounds in the AR Zoning District.
 - [1] This limit shall not apply if the driveway for the lot connects directly to a road that is maintained by Chemung County or the State of New York.
- (b) In the AR District, no more than three commercial vehicles shall be allowed on one lot except for agricultural operations.

(3) Parking.

- (a) No vehicle shall be parked, stored or left standing within 15 feet of a road right-of-way.
- (b) Parking area requirements shall be as set forth in § 525-73. Such parking areas shall not conflict with the traffic pattern to and from any fuel pump. In addition to any required parking, a developer may be required to provide any additional parking areas necessary, by an approved site plan, to mitigate any potential impact on a surrounding lot or use.
- (c) Where parking areas abut a residential use as set forth in Article IV, § 525-20, or a residential zoning district boundary, they shall be screened from such use or district and include a barrier that shall include all or any combination of the following:
 - [1] Be composed of densely planted plant material no less than 10 feet in depth, eight feet in height from finished grade.
 - [2] Include a fence.
 - [3] Be of materials consistent with the character of adjacent residential lots.
 - [4] Be maintained in perpetuity or to a time when the adjoining residential use no longer exists.
 - [5] No vehicles offered for rent or sale shall be placed, stored or parked within 25 feet of a road right-of-way.
 - [6] All storage and display areas shall be provided with a hard, dust-free surface and shall be adequately drained.
 - [7] All outdoor lighting shall conform with § 525-125.
 - [8] No twenty-four-hour operation use shall be permitted within 250 feet of an existing residential use and/or residential district boundary.
 - [9] Fuel, oil and other materials which are environmentally hazardous shall be stored, controlled and disposed of in accordance with the rules and regulations of the New York State Department of Environmental Conservation.





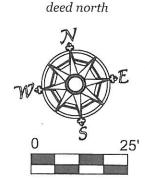
Reference

~ Quit Claim Deed - County of Chemung to Ransom Properties, L.L.C. dated and recorded June 22, 1998 Inst. No. 199805483 / Fiche 869 - 47d Pursuant to resolution of Chemung County Legislature adopted 6/8/1998 - resolution #98-176 ~ Quit Claim Deed - Robert C. Rodabaugh

and Peter L. Rodabauah to Ransom Properties, L.L.C. dated August 24, 1998 - recorded

August 26, 1998 - Inst. No. 199807851 / Fiche 903 - 5d ~ See note upper left in reference to L.601, P.1081 exception.

~ Tax Map No. 109.11 - 2 - 13



Certification

To the following I hereby certify that this map was completed by me January 16, 2016 from an instrument survey completed by me December 18, 2015.

- 1. MCS Woodworking, LLC
- 2. Sayles & Evans
- 3. Elmira Savings Bank
- 4. Chicago Title Insurance Company



Map of Lands to be Conveyed to

MCS Woodworking, LLC

Town of Southport, County of Chemung and State of New York

Scale: 1" = 25'

Job No. 161

Prepared by -William W. Wilkins P.L.S. 049797 705 Davis Street, Elmira, New York

1.1'± to hwy. line (clear) 0.8'± to west boundary (clear) southwest eave cor. 0.3'± over hwy line 0.2'± over west boundary

- southeast bldg cor. 0.1'± to hwy. line (clear±) - southeast eave cor. 1.3'± over hwy line

Cedar

Street

Only an unaltered copy of this map as signed and sealed by me with my actual signature and original seal is a valid copy.



Chemung County Planning Board

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

Referral Number	_
For office use only	

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

Chemung	County	Planning	Board -	Municipal	Referral	Form
Circinania	Country	u	Doula	mannerpar	I.C.C.I.u.	

	(F	Please com	iplete all	inform	ation on	both p	pages)	
Referring Municipality:	☐ City	☑ Town	☐ Villaį	ge of _	Southpo	rt	12/6/2019	
Referring Official:	Rocchi		· · · · · · · · · · · · · · · · · · ·	Title	Code	Enfor	cement Offic	er
Address: 1139 Penn Av	/e, Elmi	ra, NY 14	904					
Phone Number: 737-526	8			E-n	nail:	cchi	@townofso	uthport.com
Referring Board (check app	oropriate	box): 🗆 Le	egislative	Board	☑ ZBA	☑ P	lanning Board	
Petitioner(s): Dan W	/illian	∩s				Pho	one: <u>(607)</u> 259	-9262
Petitioner(s): Dan W	ss: <u>1251</u>	Penn A	ve, Pine	e City	NY 148	71 E-ı	Dan@William: mail:	sConstructionNY.com
Location of Property: 809 Tax Map Parcel Number(s)	Maple	Ave, Eln	nira, NY					
Tax Map Parcel Number(s)	:	9-1-1						
Current Zoning District: Re		ial 2						
Proposed Action: (check all that apply) ☐ Area Variance ☐ Subdivision Review ☐ Use Variance ☐ Rezoning ☐ Site Plan Review ☐ Zoning Text Amendment ☐ Special/Conditional Use Permit ☐ Zoning Map Amendment ☐ Comprehensive Plan Adoption / Amendment ☐ Moratorium ☐ Other (please specify):								
Description of the propose	ed action	(attach det	ailed narr	ative if	available):			
Use Variance required in the old church school	15							

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:City of Elmira			
(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):Maple Ave			
(d) Existing or proposed right-of-way of any stream or established channel lines:	was a result of the control of the c		
\square (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 agr and markets law (this subparagraph shall not apply to the			
Board	ngs/Meetings Schedule Public Hearing Date	Meeting Dates (prior and future)	
Town Board/Village Board of Trustees	Public Hearing Date	weeting bates (prior and future)	
Zoning Board of Appeals	January 15, 2020	December 18, 2019	
Planning Board/Planning Commission	February 3, 2020	January 6, 2020	
City Council	, , , , , , , , , , , , , , , , , , , ,		
Action taken on this application (reviewed, approve the December Board of Appeals meeting)			
As defined in NYS G Please make sure you have enclosed the follo 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.			
 Report/minutes from Town Board, Village Board or Trustees or Planning Board (PDF preferred) Zoning Map Complete text of proposed law, comprehensive plan, or ordinance (PDF preferred) 			

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



December 5, 2019

Town Of Southport 1139 Pennsylvania Avenue Elmira, NY 14904 Attn: Code Enforcement

Re: 809 Maple Avenue, Elmira, NY - Site Plan Request for new business and Use variance for parcel

Mr. Rocchi,

We have an approved purchase offer with contingencies for 809 Maple Avenue, Elmira, NY and part of 813 Maple Avenue for the purposes of relocating Energy Savers NY LLC. The 809 Maple Avenue parcel situated in the town of Southport includes a vacant tax-exempt church/school building that has a gymnasium and 4 classrooms. The 813 Maple Avenue parcel is a tax-exempt vacant lot situated in the city of Elmira and provides us the ability to install a sign. We will be granted, with the purchase, an easement from the Seventh Day Adventist church (current owner of both parcels) access to our property by utilizing the existing driveway entrance.

For us to relocate our business for future growth I am requesting the following:

- Use Variance to operate a Commercial Regional Business
- Planning Board approval for operating Energy Savers
- Planning Board approval for adding a 60' x 120' accessory building

Energy Savers is a regional commercial glass and glazing contractor. We cut sticks of aluminum to make aluminum frames and install glass in the frames. The aluminum and glass are manufactured by our wholesale suppliers across the US. The new building will allow for larger projects and will allow us to pick up as many as 10 additional team members. Currently the company employs 5 people. The existing vacant church/school building has very little opportunity for re-development in the current zoning. Our proposal would greatly enhance our operations with the additional space needed to facilitate growth of the business. The gymnasium will be set up as fabrication shop and the classrooms will be used for offices and door hardware storage.

The current gym and classrooms are just over 12,000 sf and we would like to add an accessory storage building/shop of 7,200 sf. The additional building will be for dry storage and equipment storage.

809 Maple Avenue church/school with parking lot and vacant land is 2.4 acres 813 Maple Avenue parcel is just over an acre

Thank you for your consideration.
Best Wishes,

Daniel J. Williams



TOWN OF SOUTHPORT

1139 Pennsylvania Avenue, Elmira, NY 14904

Variance Procedure

Variance 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 variance property stating the date and time of the Public Hearing. It will take at least two meetings before you will have the Board of Appeals decision. There is no guarantee your variance will be granted. If your Variance is granted, you may also be required to go before the Planning Board for Site Plan Review. Code Enforcement will provide you with all information needed.

If the Variance application is approved, a Building Permit is required for any construction, renovations, or alterations. ALL commercial projects will require prints signed by a Licensed Architect or Engineer. ALL other projects costing \$20,000 and over will require prints signed by a Licensed Architect or Engineer. Discuss your project fully with the Code Enforcement Officer.

- 1. Write a detailed letter to the Board of Appeals explaining your request. Include answers to all required Questions.
- 2. Fill out and sign the attached State Environmental Assessment (SEQR) form.
- Read, sign and date the Acknowledgement Sheet.

\$75.00

- 4. Submit a property survey performed by a Licensed Surveyor depicting all Bulk & Density requirements and actual dimensions. Major projects will require full Site Plan drawings. Discuss with Code Enforcement Officer.
- 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).

Make check payable to "Town of Southport".

			F
Submit all paperwork to our office (Incomplete Applications will a			
First meeting(You or your representative m	uot attand all m		dnesday at 7:00 PM at the Town Hall.
(rou or your representative in	ust attenu an m	eeungs.)	
****Some applicatio	ns may need to b	pe referred to the Chemung Co	unty Planning Board****
ordinances covering this applic presume to give authority to vi construction or performance of o project applied for herein until su	ation will be cor olate or cancel part construction relation and time as the T	implied with whether specified provisions of any other law or ing to this application. I/we undown of Southport grants appro	l/we understand that a provision of laws and or not. Instructions specified here do not local law regulating this application and/or derstand that I/we cannot operate or start the val and all necessary permits are secured. Date 12/5/19
Address 1251 PENN	SYLVANIA	AVENUE, PINE	CDY NY 14871
			IAMS CONSTRUCTIONNY, COM

Application fee:

Use Variances

- A. The Zoning Board of Appeals, on an appeal from a decision or determination of the Code Enforcement Officer, shall have the power to grant Use Variances as defined herein.
- B. No Use Variance shall be granted by the Zoning Board of Appeals without a showing by the Applicant that the zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the Applicant shall demonstrate all of the following facts in writing to the Zoning Board of Appeals for each and every permitted use under the zoning regulations for the particular district in which the lot is located:
 - (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial and demonstrated by competent financial evidence;
 - (2) The alleged hardship relating to the lot in question is unique and does not apply to a substantial portion of the District or neighborhood in which the lot is located;
 - (3) The requested use variance, if granted, will not alter the essential character of the district neighborhood in which a lot is located; and
 - (4) The alleged hardship is not self-created.

If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance

C. The Zoning Board of Appeals, in granting a use variance, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship or balance proven by the applicant and at the same time preserve and protect the character of the neighborhood and health, safety and general welfare of the community.

ACKNOWLEDGEMENT

The above information explains what the Board of Appeals will be considering on a Use Variance application.

I acknowledge receiving a copy of this explanation sheet and that it is my responsibility to provide written proof in response to the required questions 10 days prior to the Public Hearing and discuss with the Board of Appeals how my application for a Use Variance complies with all of the issues listed above. I understand that a Public Hearing will not be scheduled without all required information submitted.

Applicant/Signature

Date

Last Updated: February 2019

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	2000 2000		
DAN WILLIAMS/ENERGY SAVERS			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
809 MAPLE AVENUE, ELMIRA W -PLEASE Brief Description of Proposed Action:	SEE ATTA	CHED	
Brief Description of Proposed Action:			
PLEASE SEE ATTACHMENTS			
Name of Applicant or Sponsor: Telephone: / n7_	215 0410		
. 601-	1 1 23	<u>- 1/</u>	000
	Ams 95 (STNP,	KK, Com
1251 PENNSYL VANIA AVE.			
Address: 125) PENNSYL VANIA AVE. City/PO: PINE CITY, NY 14871 NY		Code: 1487	7
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance,		NO	YES
administrative rule, or regulation?			
If Yes, attach a narrative description of the intent of the proposed action and the environmental r may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	esources that	Ш	\mathbb{X}
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:		[A]	
3.a. Total acreage of the site of the proposed action?			
b. Total acreage to be physically disturbed?			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			
or controlled by the applicant of project spoilsor?			
4. Check all land uses that occur on, adjoining and near the proposed action.			
	tial (suburban)		
☐Forest ☐Agriculture ☐Aquatic ☐Other (specify):			
Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	X		
b. Consistent with the adopted comprehensive plan?	X		
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?			K
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Are	a?	NO	YES
If Yes, identify:			
		K	ш
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed act	ion?	H	K
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:			
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			[]
11 140, describe method for providing potable water.			M
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			IVAI
11 No, describe method for providing wastewater treatment.			
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places?		X	\Box
b. Is the proposed action located in an archeological sensitive area?			H
		K	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contai wetlands or other waterbodies regulated by a federal, state or local agency?	a	NO NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		X	H
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			GREEN / 7/10
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a Shoreline Forest Agricultural/grasslands Early mid-succession		apply:	
☐ Wetland ☐ Urban ☐ Suburban		- 325	
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		X	
16. Is the project site located in the 100 year flood plain?		NO	YES
		M	
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES
If Yes,			X
a. Will storm water discharges flow to adjacent properties?		Ш	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain If Yes, briefly describe:	1s)?		

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)?	NO	YES
If Yes, explain purpose and size:	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility? If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	M	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE EXPONENT NAME: Date: 12/5/19 Signature: Dayle was Date: 12/5/19	BEST C	F MY



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 3 rd 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.

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 Smill AUC 2	- DANIEL J. WILLIAMS Date 11/25/19
Address 1251 PENNSK WAWIA AVE.	PINE CITY NY 14871
Phone 607-215-0410	Email DWILLIAMS 93 @ STNY, RR. CON



SITE PLAN APPLICATION

PROJECT INFORMATION

Name of Propose	ed Development Ex	HERCY SAVERS	Date 11/25/19
Address 809 MAPLE AVE, ELMIRA, Nº 14904			
Tax Map # 100,09-1-1			Zoning District
Setbacks	Front	Side	Rear
Describe Project LOOKING TO CONVERT OLD CHURCH SCHOOL INTO OFFICES			
AND SHOP AREA, ALSO LOOKING TO CONSTRUCT A NEW STORAGE BLA, IN THE BACK			
			IN THE BACK

APPLICANT

Name DAN WILLIA	mS	
Address 1251 PENNS	SYLVANIA AVE.	
City PINE LITY	State NY	Zip 14871
Phone 607-215-0410	Email Du	ILLIAMS 93@ STAY. AR. CO.

OWNER (if different)

Name NY CONF	SEVENTH DAY	ADV.
Address 4930 W, SE	UECA TURNPI	KE
City SYRACUSE	State NY	^{Zip} 13215
Phone 315-469-6921	Email	SECRETARIAT @ NYCONF, ORG

PROPOSAL DATA (must fill in all information)

Days and Hours of Operation	MONDAY - SATURDAY 7AM - 6PM
# of Parking Spaces	38
# of Handicap Parking Spaces	2
# of Employees	10
# of Daily Customers (estimated)	1
# of Vehicles on Lot (automotive business)	

Handicap Access	s YES		
# of Signs		Size	Location
Type of Outside L	ighting	WALL PA	cKS
Type of Buffer (fer	nce, bushes, etc.)	WALL PA EXISTING	FENCE
Disposal of garbo	ge and/or debris	DUMPSTER	
Stormwater drain	age	NO CHA	WGE.
Water/Sewer/Sep	otic	PUBLIC	IMUNICIPAL
	thport Building Permit		ewer District
	OTHER PERMITS NEEDI	ED (CHECK AI	L THAT APPLY)
	thport Driveway Permit		of Health Water/Septic
NYSDOT		SWPP	
	veway permit		EC-SPDES
☐ Elmira Wate	r Board	Other	•
this application is accessribed above an	application for a Site Plan A curate and correct to the b d indicated on a Concept, ny outstanding rights, reser	pest of my (our) /Preliminary/Find vations, or other that a provision	ing that the information contain knowledge, and that property al Plan is in my (our) legal, uncor encumbrances, which could n of laws and ordinances coverin application does not presume
the intended use as a application will be construction regarding fees and expenses, applanning studies. I (Wountil such time as the	omplied with whether spec r cancel provisions of any long this application. I/we un at my/our expense, for prep (e) understand that I (We) of Town of Southport grants of	ocal law regard derstand that th paration of nece can not operate	ais application may require addinates and essary environmental, engineering or start the project applied for I necessary permits are secured
the intended use as a application will be construction regarding fees and expenses, a planning studies. I (W	omplied with whether spec r cancel provisions of any long this application. I/we un at my/our expense, for prep (e) understand that I (We) of Town of Southport grants of	ocal law regard derstand that th paration of nece can not operate	ais application may require add essary environmental, engineering or start the project applied for

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.

Name of Action or Project: **Relecting Energy Savels** (Commercial Glass & Glazing Business*)* Project Location (describe, and attach a location map): **809 MAPLE Avenue** Brief Description of Proposed Action: **VII-IZE CURRENT GYM AND CLASS ROOMS FOR OFFICES AND SHOP **ADD A 60' WIDE × 120' LONG BUILDING FOR MATERIAL STORAGE** Name of Applicant or Sponsor: **DAN WILLIAMS** Address: **1251 Peuns Luania Ave.** CityPO: Ne	Part 1 - Project and Sponsor Information				
Name of Action or Project: **ELECAME ENERG!* SAVERS (COMMERCIAL GLASS & GLAZING BUSINESS)** Project Location (describe, and attach a location map): **SOM MAPLE AVENUE** Brief Description of Proposed Action: **VILIZE CURRENT GLM AND CLASS ROOMS FOR OFFICES AND SHOP ADD A 60' WIDE X 120' LONG BUILDING FOR MATERIAL STORAGE Name of Applicant or Sponsor: **DAN WILLIAMS** Address: 1251 PENNSYLVANIA AVE, City/PO: 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: 3.a. Total acreage of the site of the proposed action? b. Total acreage of the site of the proposed action? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4. Check all land uses that occur on, adjoining and near the proposed action.	And the second s				
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Name of Applicant or Sponsor: Telephone: 607-215-0410	Project Location (describe, and attach a location map):				
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City/PO: State: Zip Code: 148 71	Name of Applicant or Sponsor:	Telen	none: / 2 2.~	-4:-	
City/PO: State: Zip Code: 148 71		E Ma	10 1-215-	0410	
City/PO: State: Zip Code: 148 71	DAN WILLIAMS	E-IVIa	" DWILLIAMS 9	136 STY	Vr. RR.C
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3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 2.4 acres 2.4 acres 2.4 acres	If Yes, list agency(s) name and permit or approval:			区	
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4. Check all land uses that occur on, adjoining and near the proposed action.		74	navan		
	or controlled by the applicant or project sponsor?	41	acres		
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☒ Residential (suburban)					
	☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Comr	nercial	Residential (subur	ban)	
□Forest □Agriculture □Aquatic □Other (specify):		(specify	'):		
□Parkland	Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	O YES	N/A			
	<u> </u>				
b. Consistent with the adopted comprehensive plan?	X L				
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?					
		\sim			
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify:					
		Ш			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES			
a. Will the proposed decion result in a substantial increase in traine above present levels.	N				
b. Are public transportation service(s) available at or near the site of the proposed action?	Ħ	図			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action	1?	X			
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:	110	TES			
	$- \mid \Box \mid$	\boxtimes			
10. Will the proposed action connect to an existing public/private water supply?	NO NO	YES			
If No, describe method for providing potable water:	_ 🔲	\times			
11. Will the proposed action connect to existing wastewater utilities?	NO	YES			
If No, describe method for providing wastewater treatment:					
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic	NO	YES			
Places?	N	П			
b. Is the proposed action located in an archeological sensitive area?	岗	H			
		7.550			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES			
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?					
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:					
	_				
	_				
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all Shoreline					
☐ Wetland ☐ Urban ☐ Suburban					
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed	NO	YES			
by the State or Federal government as threatened or endangered?	N				
16. Is the project site located in the 100 year flood plain?	NO	YES			
10. 15 the project one rounce in the 100 year flood plain;		1123			
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES			
If Yes,					
a. Will storm water discharges flow to adjacent properties?					
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)	?				
If Yes, briefly describe:					

18. Does the proposed action include construction or other activities that result in the impoundment of	NO	YES
water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility? If Yes, describe:	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste?	[]	
If Yes, describe:		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE INFORMATION PROVIDED ABOVE IS TRUE ADDRESS AND ACCURATE TO THE INFORMATION PROVIDED ABOVE IS TRUE ADDRESS AND ACCURATE ADDRESS	BEST O	OF MY

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PURCHASE AND SALE CONTRACT FOR REAL PROPERTY



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

NY CONF SEVENTH DAY ADVENTISTS	DAVIEL J WILLIAMS
IVI COMP SEVENTIFICATIONS	OR) LLC TO BE FORMED
SELLER(S)	BUYER(6)
•	₽
PROPERTY DESCRIPTION: PROPERTY LEGAL ADDRESS 809 MAPLE AVE	STATE N ZIP 14904 Number/
Street/Town (No PO Boxes) SCUTTHPORT IN X TOWN, VILLAGE, X CITY OF ELMIRA	CHEMUNG
Also known as TAX MAP# 60.09-1-1/100.09-6-29	DEED, LIBER, PAGE, including
all hylldings and any other improvements and all rights which SELLER has in or	to lipe properly.
all buildings and envioler improvements and all rights which SELLER has in or Approximate Lot Size: 114 × 230 Acres: 2 4	Chack if Applicable: more detailed description attached.
ECHAIL GAM	$\lambda / \lambda (100)$ $\lambda / \lambda (100)$ $\lambda / \lambda (100)$
LOT SEE ATTACHED MLS SHEE	T # 157401:
2. PRICE AND HOW IT WILL BE PAID: The purchase price is \$ BLYER shall receive credit at closing for any deposit made here [XI] (a) All cash, bank check, or certified check at closing. BUY	under. The balance of the purchase price shall be paid as follows: ER states that no financing is needed to complete this
transaction. [1] (b) Mortgage as stated in paragraph 4 (d). [1] (c) Assumption of the existing mortgage as detailed in the limit of the existing mortgage as detailed in the limit of the existing mortgage.	Addendum Page, Item "A". ndum Page, Item "B".
recording fees, mongage title insurance premium, appraisation	mortgage application fee, mortgage tax, deed and mortgage, credit report and lender's attorney's fee, pre-payables and escrow)
deposit(s) or to whom the deposit(s) are to be paid, the each of agreement, or until a Court determines the rights to the funds, validity of any oldins to the deposits. The parties consent to the deposits of a jury trial in an court in favour of either party shall be sufficient to allow the releparty commences such action within One Hundred Eighty (180 terminated by written notice to either party (written notice to be the funds shall be released by the escrow agent to the Buyer, respect to the deposit(s). The escrow agent will not be liable to party in the event that disbursement is not made at the time or	of offer has delivered at time of this offer \$ 1050 in the RC (Broker Office) escrow agent, who shall (bank). The deposit will be refunded to BUYER if this contract son, the escrow money may be released pursuant to a written in the event of a dispute between the parties as to the release of the agent is to retain the deposit(s) until the parties enter into a written in such event, either party may commence an action to determine the lurisdiction of any court in the county in which the premises are y such action. The parties agree that a Judgment from a small claims base of escrow funds to that prevailing party. In the event that neither i) celendar days from the date the Purchase and Sale Contract is by the Buyer and for their attorney or the Seller end/or their attorney), and the escrow agent will have no further obligation to any party with arrany amount greater than the actual amount of said deposit to any its delayed for any reason. Notwithstanding the foregoing, the funds intention of claims to the deposit(s) and the plaintiff in said action has ald action. The release of the deposit(s) as set forth herain shall not or proceedings.

Page 1 of 5 ECBOR Res. Purchase Offer

Buyer's Iniliala

wolfe	TINGENCIES: BUYER makes this offer subject to the following contingencies, With reasonable notice, SELLER agrees to BUYER and for their agents or employees access to the property for the purpose of satisfying these contingencies.
	(a) MORTGAGE CONTINGENCY: (Also see Paragraph 3) This offer is subject to BUYER(s) obtaining a mortgage loan in an amount not to exceed \$
	(b) WATER AND/OR SEPTIC INSPECTION: Seller shall furnish and pay for the following tests and inspections in the event that the property is not connected to public water lines and/or public sewer lines, the results of which shall meet local that the property is not connected to public water lines and/or public sewer lines, the results of which shall meet local that the provided prior to closing. (Additional water test required by Buyer and/or Buyer's mortgage lender will be at the buyer's expense.)
	A water test from a qualified lab to be completed within sixty days prior to closing showing that the water has been tested for total colliform and meets the State Sanitary Code requirements.
	Gertification from a qualified inspector showing that the septic system appears to be in proper working order by dye test prior to any pumping.
	A document showing proof that the septio system has been pumped within the past months with documentation of visual inspection.
	A water flow test
	Other
	(a) PROPERTY INSPECTION CONTINGENCY: SELLER agrees to have all utilities in service at the time of the BUYER'S inspection. BUYER at BUYER'S expense, reserves the right to retain a New York State Licensed Home Inspector, Architect, inspection. BUYER at BUYER'S expense, reserves the right to retain a New York State Licensed Home Inspector, Architect, inspection. Buyer at BUYER'S expense, reserves the right to retain a New York State Licensed Home Inspection, Architect, inspection. Buyer at Buyer's expense in the state of the Buyer's expense in the state of the Buyer's expense in the Buyer's e
	The term "MAJOR defects" as used herein shall mean any individual defect which will reasonably cost over to correct. This contingency shall be deemed walved unless BUYER notifies (seller, seller's agent, seller's to correct. This contingency shall be deemed walved unless BUYER notified contractor of the cost of attorney) of a MAJOR defect and provides therewith a written estimate by a qualified or certified contractor of this offer. Within panking days of receiving the written estimates by a qualified or certified contractor of the cost of repairs, SELLER may benking days of receiving the written estimates by a qualified or certified contractor with all work to be completed elect to: (1) have the MAJOR defects repaired or corrected to the Buyer's satisfaction with all work to be completed days prior to closing, (2) agree to give BUYER a credit at closing in the amount of the written estimate of the cost of days prior to closing, (2) agree to give BUYER a credit to BUYER at closing. In the event that SELLER will not repairs, or (3) not repair or correct the defects, nor give a credit to buyer at closing, then BUYER may with written notice to SELLER, repair or correct the defects, nor give a credit to buyer at closing, then BUYER may with written notice to SELLER, proceed to closing or declare this contract null and void with all samest money deposit returned to the BUYER.
X	(d) PROPERTY INSPECTION CONTINGENCY ITEM(s) IS HEREBY WAIVED; BUYER'S initials (1) (W)
	(e) SALE CONTINGENCY: This offer is conlingent upon BUYER securing a contract, not contingent upon an later than help sold, for the sale of his/her properly located at
	then either BUYER or SELLER may cancel this contract by whiten notice to the other offer and acceptable purchase offer, SELLER may notify BUYER in writing that SELLER wants to accept the other offer and acceptable purchase offer, SELLER may notify BUYER in writing that SELLER wants to accept the other purchase offer. BUYER will then have
X	In other contingencies: PIBASE SEE ADDONDUM P
<u>,</u>	Page 2 of 5 Seller's Initials Page 2 of 5 ECBOR Res. Purchase Offer Buyer's Initials Date

8.	OTHER ITEMS INCLUDED IN THE PURCHASE: The following items, if any, now in or on the properly and owned by the SELLER are included in this purchase and sale: All heating, plumbing, lighting fixtures, flowers, shrubs, trees, window shades, venetian blinds, ourtain and traverse rods, storm windows, storm doors, screens, awnings, TV entenna, water softeners, sump pumps, window boxes, mail box, tool shed, fences, wall to wall carpeting and runners, exhaust fans, hoods, garbage disposal, electric garage door opener and remote control devices, intercom equipment, security systems, smoke detectors, carbon monoxide detectors, all fireplace screens and enclosures, swimming pool and all related equipment and accessories, all built-in cabinets and mirrors, and built-in items such as stoves, ovens, dishwashers, trash compactors, shelving, and air conditioning (except window) units. Other items to be included in the sale are:
	MONE
	SELLER has good little to all of the above items. All items included in the purchase are to be in working order at time of closing EXCEPT:
	Items NOT Included are:
	· A CTER
7.	CLOSING DATE: The transfer of title to the BUYER shell take place on or about ALL PROBLED APROPOLS at the office of the BUYER'S attorney or at such place as shall be mutually agreed upon by BUYER and SELLER.
8.	BUYER'S POSSESSION OF PROPERTY: BUYER shall have possession of the property at closing. At time of possession, the premises shall be in broom clean condition, vacant, with the exception of egreed upon tenants, free of debris and personal property not included in the sale. At closing, SELLER shall deliver to BUYER all garage door openers, keys for the premises, and provide security codes for any security systems. Until closing, SELLER shall perform ordinary lawn and landscape maintenance and snow removal.
9.	 TITLE DOGUMENTS: SELLER shall provide the following documents in connection with the sale: DEED: SELLER will deliver to BUYER at closing a properly signed and notarized Warranty Deed with lien covenant (or Executor's Deed, Administrator's Deed or Trustee's Deed, if SELLER holds title as such). ABSTRACT AND TAX SEARCHES: SELLER will furnish and pay for and deliver to BUYER or BUYER'S attorney at least 10 days prior to the date of closing, abstract of title, tax and title searches, dated or redated reasonably close to the closing date. SURVEY MAP: SELLER will furnish, pay for and deliver to BUYER or BUYER'S attorney at least 10 days prior to closing, an instrument survey map dated or redated after the date of this contract. BUYER will accept the existing survey of the property if acceptable to the lender and if accompanied by the SELLER'S affidavit of no change. CERTIFICATE OF OGCUPANCY: If required by the municipality.
10	MARKETABILITY OF TITLE: The deed and other documents delivered by SELLER to BUYER shall be sufficient to convey good marketable title in fee simple to the property kee and clear of all liens and encumbrances except as set forth herein. However, BUYER agrees to accept title to the property including, into including mineral and gas rights. It is agreed to in attached addendum, and subject to restrictive coverants of record common to the tract or subdivision of which the property is a part, provided these restrictions have not been violated, or if they have been violated, that the time for anyone to complain of the violations has expired. BUYER also agrees to accept title to the property subject to public utility easements as long as those easements do not interfere with any buildings now on the property or with any improvements BUYER may construct in compliance with all present restrictive covenants of record and zoning and building codes applicable to the property. SELLER shall furnish an affidavit of title.
1	1. OBJECTIONS TO TITLE: If BUYER raises and delivers to SELLER a valid written objection to SELLER'S title that the title to the property is unmarketable, SELLER shall have five business days to notify BUYER that SELLER will either cure the objection prior to closing or that SELLER is unable or unwilling to cure said objection. In the event SELLER notifies BUYER that SELLER is unable or unwilling to cure said objection, BUYER shall have five days to cancel this agreement upon notice to SELLER and this agreement shall thereupon be deemed canceled, null and void, and all deposits made hereunder shall be returned to BUYER. In the event that BUYER falls to notify SELLER within five business days of receipt of SELLER'S notice that he/she will not cure, BUYER shall be deemed to have walved his/her right to cancel this agreement as a result of said objection to SELLER'S title.
1	2. RECORDING COSTS, MORTGAGE TAX, TRANSFER TAX AND CLOSING ADJUSTMENTS: SELLER will pay the real property transfer tax, the filing charge for the Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate and Certification and special additional mortgage recording tax, if applicable. BUYER will pay mortgage assumption charges, if any, and will pay for recording the deed and the mortgage, and for mortgage tax, and for equalization and assessment filing fees. Rent payments, if any, all healing and general use fuels, if any, water charges, sewer charges, mortgage interest, deferred FHA insurance premium,
	Seller's Initials Page 3 of 5 ECBOR Res. Purchase Offer Buyer's Initials Date

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

13. RISK OF LOSS: Risk of loss or damage to the property by fire or other casualty until transfer of title shall be assumed by SELLER. If damage to the property by fire or such other casually occurs prior to transfer, and if BUYER does not cancel but elects to close, then SELLER shall transfer to BUYER, any insurance proceeds, or SELLER'S claim to insurance proceeds payable for such 14. CONDITION OF PROPERTY: BUYER has inspected the property included in this sale and is thoroughly acquainted with its condition. BUYER agrees to purchase the property "as is" and in its present condition subject to reasonable use, wear, tear, and natural deterioration between now and the time of closing. SELLER shall have the ullilities in service at the time of mortgage lender's appraisal-inspection. BUYER shall have the right to inspect the property within 48 hours of the date of closing with all utilities in service. If BUYER falls to notify SELLER or SELLER'S altorney in writing of any unsatisfactory condition prior to closing, any objections by BUYER shall be deemed walved. 15. SERVICES: SELLER represents that the property is serviced by: Public Water, Lake Water, Spring, Private Well, Public Sewer, Private Sewage/Septic System, Burled Petroleum Storage Tank(s). other fully written and disclosed arrangements for payment of the Selling Broker's Brokerage Commission are made for by the BUYER. SELLER may apply any deposit made by the BUYER and held by Broker(s) to SELLER'S obligation to pay the entire commission. 17. RESPONSIBILITY OF PERSONS UNDER THIS CONTRACT: If more than one person signs this contract as BUYER, each person and any party who takes over that person's legal position will be responsible for keeping the promises made by BUYER in this contract. If more than one person signs this contract as SELLER, each person or any party who takes over that person's legal position, will be fully responsible for keeping the promises made by SELLER. 18. ENTIRE CONTRACT: This contract when signed by both BUYER and SELLER will be the record of the complete agreement between BUYER and SELLER concerning the purchase and sale of the property. No verbal agreements or promises will be binding on either BUYER or SELLER unless they are put in writing, and signed by both BUYER and SELLER. By signing this offer SELLER agrees to sell and BUYER agrees to buy the property described in this Purchase and Sale Contract. 19. NO ASSIGNMENT: This Contract may not be assigned by BUYER without the prior written consent of the SELLER to each instance and any purported assignment(s) made without such consent shall be vold. 20 19 at 12'00 This offer shall expire on DEC 20. LIFE OF OFFER: 21. ADDENDA: The following Addenda are incorporated into this contract as indicated; if applicable, copy(s) must be allached: ENDA: The following Addenda are incorporated into this contract as indicated; if applicable, copy(s) must be attached:
FHA ADDENDUM: Amendatory Clause/Real Estate Certification/Condition of Property
FHA INSPECTION DISCLOSURE: "For Your Protection, Get a Home inspection"
FHA or VA REQUIREMENT CONTINGENCY: Addendum Page, Item "C"
PROPERTY IS A MULTI-FAMILY DWELLING: Addendum Page, Item "D"
SELLERS DISCLOSURE TO BUYER (Electric Availability/Utility Surcharge/Agricultural District/Uncapped Gas Well)
SELLERS DISCLOSURE TO BUYER (Electric Availability/Utility Surcharge/Agricultural District/Uncapped Gas Well)
LEAD BASED PAINT DISCLOSURE: (If the Residential dwelling was constructed prior to 1976, BUYER and SELLER must complete, sign and attach a fully executed Disclosure to this contract.) 1031 TAX FREE EXCHANGE: This is a 1031 Tax Free Exchange OIL/GAS/MINERAL/TIMBER RIGHTS ADDENDUM OTHER. 22. SELLER'S PROPERTY CONDITION DISCLOSURE: Purchaser(s) of residential real property are entitled by NYS law to receive SELLER'S PROPERTY CONDITION DISCLOSURE: Purchaser(s) or residential real property are entitled by NYS law to receive from seller a signed Property Condition Disclosure Statement as prescribed by Real Property Law 462(2), prior to signing a binding contract. In the event that SELLER falls to deliver said Statement, BUYER is entitled to receive a credit of \$ 500,00 egainst the purchase price upon transfer little, (See section 463 of the Real Property Law for exempted properties) BUYER acknowledges that purchase price upon transfer little, (See section 463 of the Real Property Law for exempted properties) BUYER acknowledges that (s)he has, has not, received a shipper Property Condition Disclosure Statement prior to this purchase and sale contract (BUYER'S Initials) 23. OIL/GAS/MINERAL/TIMBER RIGHTS DISCLOSURE; BUYER acknowledges that (s)he has received an Oil/Gas/Mineral/Timber Rights DISCLOSURE prior to this purchase and sale contract becoming a binding contract of sale, A copy of DISCLOSURE is attached (BUYER'S Initials)

Day RAMar's Initials 18-19

Page 4 of 5 ECBOR Res. Purchase Offer Buyer's Inilials

1/12/19

24. NOTICES: All notices pursuant to this agreement shall be in writing, or receipt requested, post marked no later than the required date; (2) by personal delivery by such date; or (4) by email with delivery by such	y telecapler or taosimile transmission by such date; (3) by
25. BUYER and SELLER ATTORNEY APPROVAL: This offer is confingent upon approval by BUYER'S and SELLER'S a written disapproval is received by the parties' respective attorneys, w 10 banking days after the acceptance of this offer, this contingen	ith notification to the BUYER'S and SELLER'S Brokers, within
SIGNATURE(S) OF BUYER(S):	(1) al h \(\frac{1}{2}\)
DATED: NW. 12/14	BUYER: WINDER
WITNESS: ST. M. McNown.	BUYER:
ACCEPTANCE OF OFFER BY SELLER(S):	
SELLER certifies that he/she owns the property and has the power to se the terms and conditions set forth above.	Il the property. SELLER accepts the offer and agrees to sell on
DATED: 25-//- /9	SELLER: Jon Williams
WITNESS;	SELLER:
Listing Broker: HOWAR HANN R.S.	Selling Broker: HOWARD HANDA RS'.
R.E. License Number(s): 10391301304	R.E. License Number(s): 10341201306
Address: 215 W. CHURCH 57	Address: 215 W. CHUKCH ST
FLAIRA NI ZIPIMOL	ELMIRA NY ZIP 14901
PRODE: 7:33-2700 FBX 607-783-9740	Phorles 07-733-2700 Fax 607-733-9740
Listing Agent: ARTIUL AN ALOSE / STRUM MWAMARA	Selling Agent: STEVEN MARTIN MCNAMARA
R.E. License Number(s): 30 AM 1 9 81022 1040 12 6575	R.E. Ligense Number(s): 104 0/22 6515
Email address: ARTHURAMBROSED HOWARD HAMMA . C CM	Email address: STEVENMONAMAN PHOWARD HAWA OM
Phone: 607.738 -8900 /001-425-5100	Phone: 1007- 425- 5100
Phone: 407 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
ADMINISTRATIVE I	NFORMATION
Property Mailing Address SO9 MARE AVE	zip 14904 MLS#
Seller: NY CONF SEVENTHDAY ADV. Buyer	DANIEL 3 WILLIAMS
	BAddress: 125) PENNLY LVANIA AVE
The state of the s	tale: ELAND PINE CITY NY ZID 14871
Phone: (315) 469- 4921 Phone	107-259-9262
	address: DWILLIAMS93& STW. RR. COM
Altorney: Dave Kimpel Attor	JAMES DEFILIPPO, ESQ
Clause Coulde ton the	1225 W 100000 act
C 17.5.7	E1 11/00 A11 - 14/00E
	207-481-1790 Pax
Thursday 1	11 address: JAMES & DLFN/NET
Page 5 of	dell ulisto
Sotlerto Millals Date ECBOR Res. Purol	nase Offer Buyer's Initials Date

New York State Department of State Division of Licensing Services P.O. Box 22001 Albany, NY 12201-2001 Customer Service: (518) 474-4429 www.dos.ny.goV

New York State Disclosure Form for Buyer and Seller

THIS IS NOT A CONTRACT

New York State law requires real estate licensees who ere acting as agents of buyers or sellers of property to advise the potential buyers or sellers with whom they work of the nature of their agency relationship and the rights and obligations it creates. This disclosure will help you to make informed choices about your relationship with the real estate broker and its sales agents.

Throughout the transaction you may receive more than one disclosure form. The lew may require each agent assisting in the transaction to present you with this disclosure form. A real estate agent is a person qualified to advise about real estate.

If you need legal, tax or other advice, consult with a professional in that field.

Disclosure Regarding Real Estate Agency Relationships

Seller's Agent

A seller's agent is an agent who is engaged by a seller to represent the seller's interests. The seller's agent does this by securing a buyer for the seller's home at a price and on terms acceptable to the seller. A seller's agent has, without limitation, the following fiduciary duties to the seller; reasonable care, undivided loyally, confidentiality, full disclosure, obedience and duly to account. A seller's agent does not represent the interests of the buyer. The obligations of a seller's agent are also subject to any specific provisions set forth in an agreement between the agent and the seller. in dealings with the buyer, a seller's agent should (a) exercise reasonable skill and care in performance of the agent's duties; (b) deal honestly, fairly and in good faith; and (c) disclose all facts known to the agent materially affeoling the value or desirability of property, except as otherwise provided by law.

Buyer's Agent

A buyer's agent is an agent who is engaged by a buyer to represent the buyer's interest. The buyer's agent does this by negotiating the purchase of a home at a price and on terms acceptable to the buyer. A buyer's agent has, without limitation, the following fiduciary duties to the undivided lovalty. reasonable care. confidentiality, full disclosure, obedience and duly to account. A buyer's agent does not represent the Interest of the seller. The obligations of a buyer's agent are also subject to any specific provisions set forth in an agreement between the agent and the buyer. In dealings with the seller, a buyer's agent should (a) exercise reasonable skill and cere in performance of the

agent's duties; (b) deal honestly, fairly and in good faith; and (c) disclose all facts known to the agent materially affecting the buyer's ability and/or willingness to perform a contract to acquire seller's property that are not consistent with the agent's fiduciary duties to the buyer.

Broker's Agents

A broker's agent is an agent that cooperates or is engaged by a listing agent or a buyer's agent (but does not work for the same firm as the listing agent or buyer's agent) to assist the listing agent or buyer's agent in locating a property to sell or buy, respectively, for the listing agent's seller or the buyer agent's buyer. The broker's agent does not have a direct relationship with the buyer or seller and the buyer or seller cannot provide instructions or direction directly to the broker's agent. The buyer and the seller therefore do not have vicarious liability for the acts of the broker's agent. The listing agent or buyer's agent do provide direction and Instruction to the broker's agent and therefore the listing agent or buyer's agent will have liability for the acts of the broker's agent.

Dual Agent

A real estate broker may represent both the buyer and the seller if both the buyer and seller give their informed consent in writing, in such a dual agency situation, the agent will not be able to provide the full range of fiduciary duties to the buyer and seller. The obligations of an agent are also subject to any specific provisions set forth in an agreement between the agent, and the buyer and seller. An agent acting as a dual agent must explain carefully to both the buyer and seller that the agent is acting for the other party as well. The agent should also explain the possible effects of dual representation, including that by consenting to the dual agency relationship the buyer and seller are giving up their right to undivided loyalty. A buyer or seller should carefully consider the possible consequences of a dual agency relationship before agreeing to such representation. A seller or buyer may provide advance informed consent to dual agency by indicating the same on this form.

Dual Agent with Designated Sales Agents

If the buyer and seller provide their informed consent in writing, the principals and the real estate broker who represents both parties as a dual agent may designate a sales agent to represent the buyer and another sales agent to represent the seller. A seles agent works under the supervision of the real estate broker. With the informed consent of the buyer and the seller in writing, the designated sales agent for the buyer will function as the buyer's agent representing the interests of and advocating on behalf of the buyer and the designated sales agent for the seller will



Real Estate Services

" ADD GNOUM A"

ADDENDUM TO PURCHASE OFFER

In regards to the Purchase & Sale Contract between	
the Buyer(s), and NY COMP SEVENTH DAY	ADV, the Seller(s), & the real property
commonly known as 90% MAPLE AVE	
agree to the following:	
1. Subject to and condition of ay got	coment for the puriposes of mores
and egrass from maple avours at	
troporty voing pinrehased. The winds	
	why and state law which ever is greater.
2 Soller agrees to cooperate with so	eller For the purposes of application.
to! D Zoning / Planshing board app	Alcation Process
2) Tax absersment Rousew Pro	
	planning board / zoning board approval
For the intended use of Buyer.	
	et a withman tomporature to as to appeal
5. Gilow Sollin to access for purpose of	f Facilitation continue historia. to place a sign at the entrance from waple Au act.
All other terms remain the same as per the contr	act.
This addendum, upon its execution by both parti	es, is herewith made an Integral part of the
aforementioned Purchase & Sale Contract.	
	ir e
This addendum is contingent upon the Attorney	s Approval within five banking days from its
execution by both parties.	
a.l. l.	
Dated 9/23/19	Dated //-/8-/9
	0/0
Buyer Limby	Seller (Allughin)
Buyer	Seller



#Stories: 1
Present Use: Church, Commercial,
Mixed Use
Total # Units: 1
Restrooms:
Apx Total SqFt: 12033
Parking: Paved, Private Over 10
Apx Year Built: 1969

Municipality: SOUTHPORT TOWN
Gounty: Chemung
Zoning: R2
Lot Size: 0

Apx Acreage: 2.4 Days on Market 61

Water Property: No	Wate	r Front Fig:	Lake Name: None	
Water Property Type/Am	enitles/Frontage: N/A			tip turn with the try of the state of the st
Tax Assessment: 775000	Full Market (Equaliza	tion) Value: 775000	Est Annual Taxes: 24738.0	3 Tax Year: 2019
Tax ID #: 100.09-1-1	Straeta:	City Street, Interstate 1 ml	or Less	
Site: Neighborhood		Topograp	hy: Cily	name to an
Bullding Name: Seventh I	Day Adventists	property of the party party and the		
	1st Floor SqFt	2nd Floor SqFI	3rd Floor SqFt	4lh Floor SqFt
Refall		Tild i for odd 4	and the state of the state of	
Office	- 200 11 219 250000000 2500125 200025 200025			
Warehouse				
Aparlments		******************************		
Manufacturing		riginal to test on a familiaries of		
Other	12033	the said of said American mark homes debut throat personal homes and	<u>]</u>	
Celling Height:		# Loading Docks	1	
Overhead Door Height:	and breaked Article and a series of proceedings and a go to be a go to		Traffic Count:	personality of the first springer service and the service of the
Information:				
Sale Includes: Building &	Land			
Features: CO Detector, F	ire Alarm, Handicap Access	ible, Inside Storage, Secur	lly Fenced, Security System	Smoke Detector(s)
Exterior: Block, Brick			entral Air, Wall Unit(s)	
Interior: Brick, Concrete,	Sheet Rock		es: Gas Installed, Cable Inst	alled Telephone
Basement: None	Chockitook	Installed	out and triotaliant capie irlet	andaj relopilotio
Foundation: Slab			0+ Amp Service, Circuit Brea	akers. Multiple Meters
Water: Public		Roof: Flat, I	Rubber	attered treatment in action
Sewer: Public Sewer		Oll/Gas/Mir	eral Rights: Convey w/No i	Existing Lease
Heating: Radiator, Steam	1		ional ruginor domes, miles	and make a second
	And the same of th	In wall constructed and ma	intained, it contains 4 classr	nome aumnaelum
klichen and offices on 2 4	arrae Possible futura usos	s school deveste shift de	ycare, offices, warehouse, fi	loess or shorts center. A
must see. Utilities are on			guare, emisse, warenesse, n	mod of charte collicit i
Directions: South over M	adison Ave Bridge Left on	Manie Ave Go approxima	laly 1 mile just nast Miller St	on voir left.
Agent Notes: Absolutely	NO Saturday showings. Ear	gement will be granted from	lely 1 mile just past Miller St n Maple Ave subject to zonir	in change. Town of
Southport and church app	rovei	Politalit will be Bleiffed tier	ii Mapie Five adaject to zein	ig onlyinger town or
Owner's Full Name: Sevi	enth Day Adventlets NY Co	inf	Occupants Nam	e/Phone:
Co- Owner's Name:	Olici Day Advertilate IVI Oc	<u> </u>		271 1101101 1 at the part to the first
Ownr Phn:	Ownr Add	.,	Ownr Addr2:	
Owner Financing Availa		Contract Type:	FRTS No	ag Agent: LB
Sub Agent Fee \$/%: 0	Suh Agent Foe Bag	ed On: % of Net Sale Pric	A Buyar An	jent Fee \$/%: 3.5
Buyer Agent Fee Resed	On: % of Net Sale Price	Broker Agent Fee \$1%: 0	Broker Agent Fee Based	On: % of Net Sale Price
Documents on File: Non		DIONAL WAREL DO ACTOR O	DIONOL FISHER OF BROOK	AIL WALLOW CONTINUE
Disclosures Lord Base	Paint Disclosure, Oll, Gas	Mineral Timber Disclosu	ra	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Charries Instructions	acant, Use Showing Mana	ger Other See Agent Mote	0	EO: No LS: No
REO Prop: Inter	rnet: Yes Dsply	Addr: Yes All	owAVM: No Allo	wCmmta: No
LS Provides:	war tas Tobih	Pilitit Ida Wil	SMAAMU UG - WILL	Molitifier No
	Under Contract D	-t 44/44/9040	Original List Price	# #42E 000
List Date: 9/12/2019				
Listing Office: Howard F	lanna Elmira (#:171)	Listing Ag	ent: Steven Martin McName	ra (#:1128)
Main: (607) 733-2700 Fax: (607) 733-9740		Agent Em	all: stevenmonamara@ho	wardhanna.com
Fax: (607) 733-9740	551556	Contact #:	(607) 425-5100 umber: 10401226515	
Office License #: 10391				
Go-Listing Office: Howa Go-Nain: (607) 733-2700	rd Hanna Elmira (#:171)	Co-Listing	Agent: Arthur D. Ambrose	(#:844)
Co-Main: (607) 733-2700	` '	Co-Agent	Email: artambrose@howa	ardhanna.com
Co-Fax: (607) 733-9740		Co-Contac	ct#: (607) 738-8900	
Co-Office License #: 10	391201306	License N	umbèr: 30AM1081022	

addendum to purchase & sale agreement regarding oil, gas, mineral and timber rights

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

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

Mildelata e)(smilded delote modification and a banamana
Property Address SOG MAPLE AW ELMIN M 1464 Seller NY COVE SEVENTI DAY ADV. Buyer DANIEL J MILLIAMS (PrintType)
Oll. Gas. Wineral and Timber Rights to Property: Some oil, gas, mineral and/or timber rights have been leased by the Seller or previous owner. Seller has attached copies of all written oil, gas, mineral and/or timber rights leases and other documents (e.g. leases, royally agreements) Within the Seller's possession to this addendum. Buyer shall have days from the execution date of the purchase and sale contract to Seller's possession to this addendum. Buyer shall have days from the execution and assessment performed by, or on examine the extent and manner by which these rights are affected. If the examination and assessment performed by, or on examine the extent and manner by which these rights are affected. If the examination and it is to oil, gas, mineral and timber behalf of, the Buyer reveals Seller's inability to convey said lease to the Buyer, along with full title to oil, gas, mineral and timber rights to the Buyer, the Buyer may terminate this purchase and sale agreement. Upon termination, all deposit monies will be rights to the Buyer, the Buyer may terminate this purchase and sale agreement. Upon termination, all deposit monies will be returned to the buyer.
Seller Reservation of Oli, Gas, Wineral and Timber Rights: (Initial all that apply.)
Seller le reserving all rights to oil, gas, and/or mineral rights and will not convey these rights to the Buyer. Buyer agrees to Seller le reserving all rights to oil, gas, and/or mineral rights and will not convey these rights to the Buyer agrees to Better in reserving certain oil. gas, and mineral rights and will convey these rights to the Buyer as follows:
The state of the s
Buyer agrees to accept seller's above described reservation(s) Seller initial(s) Buyer initial(s)
Buyer agrees to accept sellers above described total and the
Seller is reserving rights to <u>limber as follows:</u>
Buyer agrees to accept seller's above described reservation(s) Seller initial(s) Buyer initial(s)
Beller and Buyer agree to the following:
ALL OIL GAS, MINERAL, TIMER TO CON VEY TO BUYER Initial(s) Buyer Initial(s)
All other terms and conditions of the Agreement of Sale remain unchanged and in full force and effect.
All other terms and contained at the second
This addendum, when executed, is contingent upon approval of BUYER'S and SELLER'S attorneys per Item #25 of the Purchase & Bale Contract for Real Property, or Item #21 of the Purchase & Sale Contract for Lots and Vapant Land.
· Della hours Dundyn
Seller: Buyer:
Seller:
Dated: 11-18-14 Dated: 04, 2,5,20

SALE OF PROPERTY ELMIRA PROPERTY

RESOLUTION

WHEREAS:

the New York Conference Association Board, with action A-2019-19,

granted authorization to sell the Elmira property

WHEREAS:

the description of the property is as follows: in the County of Chemung,

State of New York, located at 809 Maple Avenue, Elmira, NY 14904

identified as Tax Map No. 100.069-1-1

WHEREAS:

the description of the vacant lot included with the sale is: 813 Maple

Avenue, Elmira, NY 14904 identified as Tax Map No. 100.09-6-29

WHEREAS:

all fixtures and property attached or appurtenant to the land are included

AND:

to recognize the contingencies stated in the sale contract in Addendum A

and Addendum B

WHEREAS:

the New York Conference has received an offer of

'As is"

from Daniel J. Williams, for the property, and

WHEREAS:

the New York Conference Association Board, with action A-2019-22,

voted to accept the offer,

NOW THEREFORE, BE IT RESOLVED

RESOLVED:

that we grant authority to the New York Conference Association of

Seventh-day Adventist to accept the offer of

"As is" for said

property, and further, that we authorize the Association officers to execute

any and all papers necessary for the culmination of the sale.

Claudio Gomez, Executive Secretary

New York Conference of Seventh-day Adventist ASSOCIATION BOARD

Syracuse, New York Conference Office

November 25, 2019 EMAIL

Minutes

MEMBERS PRESENT:

Administrators: Miguel Crespo, President

Claudio Gomez, Executive Secretary

Priscilla English, Treasurer

Atlantic Union Administrators:

Members:

Roberto Alvarez, Hilde Barrera, Annette Barnes, Roman Beresnev, Lenox Brown, Seong Cho, Shervin Evans, Steve Fraker, Karen Halbritter, Nathan Hamm, Kathleen Keller, Howard Krug, Hugh Langley, Luis Mancebo, Alex Nyanzi, Mitch

Strong, Nancy Whitens

A-2019-22 ELMIRA PROPERTY 809 AND 813

MAPLE AVENUE:

VOTED:

To approve the sale of the Elmira property located at 809 and 813 Maple Avenue, Elmira, NY 14904 identified as Tax Map Numbers 100.09-1-1 and 100.09-6.-29 for) to Daniel J. Williams.

A-2019-23 ELMIRA PROPERTY 809 AND 813 MAPLE AVENUE RESOLUTION:

VOTED:

To approve the resolution for the Elmira property located at 809 and 813 Maple Avenue, Elmira, NY 14904 identified as Tax Map Numbers 100.09-1-1 and 100.09-6-29 for to Daniel J. Williams.

Respectfully submitted by

Claudio Gomez, Executive Secretary



Chemung County Planning Board

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

Referral Number
For office use only

(607) 737-5510

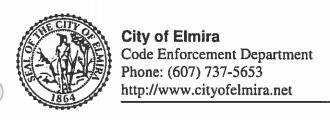
www.chemungcountyny.gov planning@co.chemung.ny.us

(Please complete	
Referring Municipality: X 🗆 City 🗀 Town 🗀 V	illage of <u>City of Elmira</u>
Referring Official: John McCracken	Title: Director of Code Enforcement
Address: 101 W. Second Street, Elmira, NY 14901	4
Phone Number: X5718	E-mail: jmccracken@cityofelmira.net
Referring Board (check appropriate box): 🗆 Legislati	ve Board X ZBA Planning Board
Petitioner(s): <u>FDP Properties, LLC</u>	Phone: (607)772-1777
Petitioner's Mailing Address: 201 Robinson Street, B	inghamton, NY 13904 E-mail:
Petitioner's Mailing Address: <u>201 Robinson Street, Bifeinberg@feinbergdevelopment.com</u> Location of Property: <u>262, 272 Baldwin Street, 310 E</u> Tax Map Parcel Number(s): <u>89.19-6-57, 89.19-6-4, 8</u>	inghamton, NY 13904 E-mail:

(Please identify each item by filling in the appropriate blank after each item) (a) Boundary of the (City), (Village) or (Town) of: _____ ☐ X(b) Boundary of any existing or proposed (County) or (State Park) or any (Other Recreation Area): Clemens Center Parkway ☐ X(c) Right-of-way of any existing or proposed (County) or (State Parkway), (Thruway), (Expressway), (Road) or (Highway); (Include (County) or (State Route) # and name of (Road): State Route 352 (d) Existing or proposed right-of-way of any stream or drainage channel owned by the (County) or for which the county has established channel lines: ______ (e) Existing or proposed boundary of any (County) or (State) owned land on which a public building or institution is situated: (f) The boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law (this subparagraph shall not apply to the granting of areavariances: **Hearings/Meetings Schedule** Meeting Dates (prior and future) **Public Hearing Date** Board Town Board/Village Board of Trustees Zoning Board of Appeals January 7, 2020 December 3, 2019 Planning Board/Planning Commission City Council Action taken on this application (reviewed, approved, discussed, etc.) 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). Part 1 Environmental Assessment Form (EAF) or Environmental Impact Statement (EIS) for State Environmental Quality Review (SEQR). If Type II Action, provide a statement to that effect. Agricultural Data Statement, for site plan review, special/conditional use permit, usevariances, or subdivision review located in an Agricultural District or within 500 feet of a farm operation located in an Agricultural District, per Ag. Districts Law Article 25AA §305-a, Town Law §283-a, and Village Law §7-739. 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)

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

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



101 W. Second St. Elmira, NY 14901 Fax: (607) 733-5235

Zoning Board of Appeals Application

To the Zoning Board of Appeals:

A. Statement of Ownership and Interest
I (We) POP PROPERTIES, LIC
Name of Applicant
of 201 ROBINSON STREET
BINGHAMTON, NY 13904
City, State, Zip
hereby appeal to the Zoning Board of Appeals for:
nereby appear to the Zoning board of Appears for.
☐ 1. An interpretation of the Zoning Ordinance
2. A Certification of Continuing Nonconforming Use
☐ 3a. A Use Variance
■ 3b. An Area Variance
4. A Special Permit
5. Change from one Nonconforming Use to another
☐ 6. Other:
B. Location of Property
 The property in question is situated at the following address:
Ola Ancharma and an inch
262 BALDWIN STREET, ELMIRA
1.0
2. current zoning classification
Was Land
3. tax map # 89 · 19 - 6 - 57 (Available from Assessor's Office: (607) 737-5670)
4. Is the property in question located within five hundred (500) feet from the boundary of
any city, village, or town, or from any county or state parkway, expressway, throughway,
or other limited access highway, or from the right-of-way of any stream or drainage
channel owned by the county or for which the county has established channel lines, or
from any county or state lands on which a public building or institution is situated?
Yes 🔲 No

C. <u>Gene</u>	vacant (an)
1.	Current Use (PARKING) Proposed Use SAME
2.	Number of dwelling units proposed:
3.	Number of employees proposed: N/A
4.	Parking spaces required: N/A
	A. Proposed: N/A C. Loading Zone Required: Yes No
	B. Handicapped: No D. Curb Cut Permit Required: Yes No
5.	Type of Non-Residential Use (if any)
	N/A
6.	Lot Size A. Length: Ft.
	B. Depth: Ft.
	C. Area: 5846 ± Square Ft.
-	(A and B available from Assessor's Office) (607) 737-5670
7.	Building Information A. Number of Stories:N/A
	B. Floor area per story in square feet: (Available from the Assessor's Office) (607) 737-5670
	Basement: NA First Floor: NA Second Floor: NA Third Floor: NA
8.	Applicant's relationship to the property:
	A. Owner B. Purchaser (must provide valid purchase offer) C. Tenant (present) D. Tenant (new) Lease Commitment: Yes No E. Attorney for: A B C D F F. Other (explain)
9.	Name and Address of Record Owner:
	FOR PROPERTIES, LLC
	201 ROBINSON STREET, BINGHAMTON, NY 1390
10). Name and Address of Attorney:
	ALAN J. POPE, COUGHLIN = GERHART
	99 CORPORATE DRIVE, BINGHAMTON, NY 13904

D. Request

The complete Zoning Ordinance is available online at http://www.cityofelmira.net/permits 1. Provisions of the Zoning Ordinance: Section: 540.3(b)(4)Concerning: FREESTANDING SIGNS From: VAC To: VAC 2. Previous Appeal A previous appeal concerning this property Mas not been made Has been made on: Date: **Result:** NIA E. Reasons for Request to Zoning Board (attach additional pages if needed) 1. <u>Interpretation</u> of the Zoning Ordinance above is requested to determine whether: NA 2. A Special Permit would be in harmony with the intent and purpose of the Zoning

Ordinance because:

NA

	3. A Variance of the Zoning Ordinance is requested for these reasons: (attach pages if needed)
)	A. Strict applications of the Ordinance would produce <u>Undue Hardship</u> because:
	Applicant has had a vacant building for
	over 10 years on which it continues to pay taxes
	to the City of Elmira. Applicant is looking for
	plannan "Prollable" sign and the exciting by
	to the city of Elmira. Applicant is looking for maximum exposure to leave its building by placing an "Available" sign on the existing vacant pylon sign structure
	B. The variance would observe the spirit of the Ordinance and would not change
	The installation of the "Available" signion
	The installation of the "Available" signifor a structure that is already existing
	c. THE APPLICANT MUST PROVIDE A SEPARATE PAGE GIVING A FULL
	DETAILED DESCRIPTION OF THE REQUEST.
	F. In addition to meeting the standards prescribed by the Zoning Ordinance, the applicant will
	provide:
	an opportunity to lease a long-term
	on opportunity to lease a long-term vacant building in the City of Elmira
)	
	in order that the public convenience and welfare will be further served.
	G. If you would like to receive an electronic copy of the agenda and/or minutes that apply to your application, please provide your e-mail address, otherwise you may view and/or download this
	information at www.cityofelmira.net/. If you do not provide an e-mail address, please refer to
	#1 of the Application Instruction for meeting dates and times.
	Applicant's e-mail address: JETNBERG FEINBERGDEVELD PMENT. COM
	Zoning Appeals are approved on a provisional basis, subject to the applicant obtaining all required permits and meeting all New York State Fire Prevention and Building Codes.
	they a feiner
	STATE OF NEW YORK) COUNTY OF CHEMUNG) ss: Applicant's Signature
	Broome 201 Robinson St Birchamton, NV 1391
	Sworn to before me this Applicant's Address
	day of October, 2019 (year) Applicant's Phone Number
	Aud & Cala
	THIS FORM MUST BE NOTARIZED (Notary Public) Firnina City Hall E-Document Page 4
	JENNIFER L COLLINS
	NOTARY PUBLIC STATE OF NEW YORK BROOME
	LIC. #01CO6369220 COMM. EXP. 01/02/2022

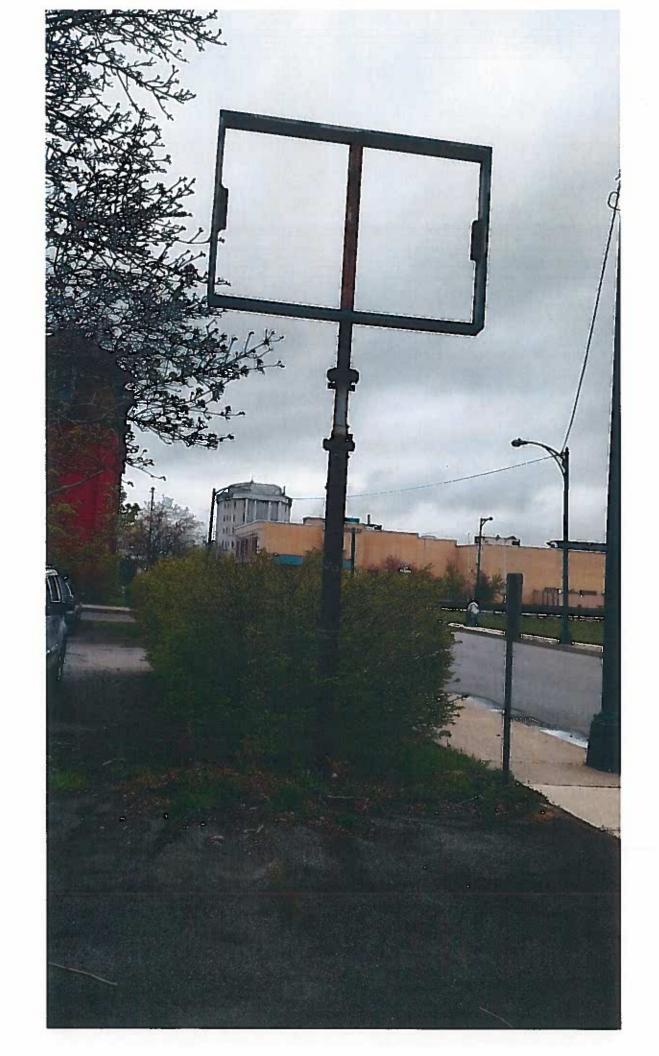
ZONING BOARD OF APPEALS APPLICATION ATTACHMENT TO AREA VARIANCE REQUEST

262 BALDWIN STREET

Applicant is the owner of an office building located at 310 East Church Street, which building was vacant for 10 years from 2006 when the former tenant (Sear-Brown) vacated the premises until the first floor of the building was leased to Gannett in 2016; the second floor remains vacant.

Applicant is also the owner of the adjoining vacant parcel of land located at 262 Baldwin Street. The parcel has an existing empty pylon sign structure on which Applicant would like to install an "Available" sign panel (see attached picture of existing empty pylon sign structure).

An area variance is requested to increase the square footage of permitted signs



540.2 Business A - Neighborhood Commercial and Business A - I Neighborhood Commercial - I Districts. (Ord. No. 2005-349 dated October 3, 2005)

- (a) The requirements of Section 540.1 shall apply to all residential uses in this District.
- (b) For business and other uses permitted in this district, signs shall meet the following requirements:
 - (1) The total surface area of any permitted signs shall not exceed one (1) square foot for each linear feet of building frontage.
 - (2) Such signs may be illuminated but shall not be flashing signs. Signs may be illuminated only during the hours that the establishment is open for business.
 - Only one (1) projecting sign, complying with the requirements of Section 510.12, shall be permitted for each business establishment.
 - (4) Only one freestanding sign shall be permitted. Such freestanding sign shall be included in the computation of the surface area of signs permitted by subparagraph (b)(1) of this section. Such freestanding sign shall not exceed five (5') feet in height above grade, and shall not project over a public right-of-way. (Ord. No. 2002-386 dated Oct. 21, 2002)

540.3 Business B - Central Business District.

- (a) The requirements of Section 540.1 shall apply to all residential uses in this District.
- (b) For business and other uses permitted in this district, signs shall meet the following requirements:
 - (1) The total surface area of any permitted signs shall not exceed one (1) square foot for each linear feet of building frontage.
 - (2) Such signs may be illuminated and flashing, provided a special permit is obtained for all flashing signs.
 - (3) Only one (1) projecting sign shall be permitted for each business establishment.
 - (4) Only one freestanding sign shall be permitted on lots which have a maximum building coverage of fifty percent (50%). Such freestanding sign shall be included in the computation of the surface area of signs

City of Elmira Zoning Ordinance

Adopted December 21, 1998, as amended

permitted by subparagraph (b)(1) of this section. Such freestanding sigh shall not exceed forty (40) square feet in area, shall not exceed sixteen feet (16') in height, shall not project more than four feet, six inches (4'6'') over a public right-of-way, and shall not be located than nine feet (9') above the right-of-way. (Ord. No. 2002-386 dated Oct. 21,2002)

Section 540.4 - Business C and D - Specialized Commercial Districts.

- (a) The requirements of Section 540.1 shall apply to all residential uses in this District.
- (b) For business and other uses permitted in this district, signs shall meet the following requirements:
 - (1) The total square area of such signs shall not exceed thirty two (32) square feet.
 - (2) Such signs shall not be internally illuminated or flashing.
 - (3) Only one (1) projecting sign shall be permitted for each business establishment.
 - (4) Only one freestanding sign shall be permitted. Such freestanding sign shall be included in the computation of the surface area of signs permitted by subparagraph (b)(1) of this section. Such freestanding sign shall not exceed five (5') feet in height above grade, and shall not project over a public right-of-way. (Ord. No. 2002-386 dated Oct. 1, 2002)

540.5 Business E - General Commercial District.

For business and other uses permitted in this district, signs shall meet the following requirements:

- (a) The total surface area of any permitted signs shall not exceed one (1) square foot for each linear feet of building frontage.
- (b) Such signs may be illuminated and flashing provided that a special permit is obtained for all flashing signs.
- (c) Only one (1) projecting sign shall be permitted for each business establishment.
- (d) One freestanding sign shall be permitted on lots which have a maximum building coverage of fifty percent (50%). Such freestanding sign shall be included in the computation of surface area of signs permitted by subparagraph (a) of this section. Such freestanding sign shall not exceed forty (40) square feet in area, shall not exceed twenty feet (20') in height above grade, shall not project more than four

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.

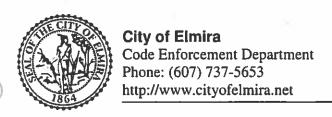
Complete all items in Part I. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information		
Name of Action or Project: AD DITIONAL SIGNAGE		
Project Location (describe, and attach a location map):		
262 BALDWIN STREET, ET	MIRA	
Brief Description of Proposed Action:		
Name of Applicant or Sponsor:	Telephone: (la0)	7771-677(1
POP PROPERTIES, LLC		
Address	12	BERG & FEINB
201 ROBINSON STREET		The second secon
City/PO:	State:	Zip Code:
BINGHAMTON	NY	13904
Does the proposed action only involve the legislative adoption of a pladministrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action may be affected in the municipality and proceed to Part 2. If no, continuously the proposed action is a second to proceed to procee	and the environmental resource to question 2.	
2. Does the proposed action require a permit, approval or funding from If Yes, list agency(s) name and permit or approval:	any other governmental Age	ency? NO YES
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	acres ### acres	
	ction. ommercial Residential other (specify):	suburban)

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?		1	
6. Is the proposed action consistent with the predominant character of the existing built or natural	lead)	NO	YES
landscape?		V	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar	ea?	NO	YES
If Yes, identify:			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed action?			H
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed acc	ion?	V	
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:			
			Ш
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:		U	
	-	NO .	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO /	1123
b. Is the proposed action located in an archeological sensitive area?		V	
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?	n	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		44	A
			_
14 14 de de la Calabia de la C	12 oh-o-	MALE NO.	1
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check to Shoreline Forest Agricultural/grasslands Early mid-success	us utili i ionel	abbiA:	
	LIST SEE		
☐ Wetland ☐ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		V	
16. Is the project site located in the 100 year flood plain?		NO	YES
to: 12 the project and related in the 140 Year Hood Plants		1	
1 T 1971 de la		NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes.			E 5-4
a. Will storm water discharges flow to adjacent properties?		N	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain If Yes, briefly describe:	ns)?		-
			i

18. Does the proposed action include construction or other activities that result in the impoundment of		YES
water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:		
	 ₩	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?	/	
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	XES
completed) for hazardous waste?	_/	
If Yes, describe:	V	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE	BEST O	FMY
KNOWLEDGE Applicant/sponsor name: Teffrey N. Feinberg Date: 10 17	il.a	
Applicant/sponsor name: Jeffrey N. feinberg Date: 10/17	111	
Signature: Allien 4 feeling	1	

18. Does the proposed action include construction or other activities that result in the impoundment of	NO	YES
water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE		F MY
Applicant/sponsor name: Signature: Date: Date:	1/19	



101 W. Second St. Elmira, NY 14901

Fax: (607) 733-5235

Zoning Board of Appeals Application

To the Zoning Board of Appeals:

A. Statement of Ownership and Interest
I (We) FDP PROPERTIES, UC
of 201 ROBINSON STREET
Street #
BINGHAMTON, NY 13904
City, State, Zip
hereby appeal to the Zoning Board of Appeals for:
☐ 1. An interpretation of the Zoning Ordinance
2. A Certification of Continuing Nonconforming Use
3a. A Use Variance
4. A Special Permit
5. Change from one Nonconforming Use to another
C 6. Other:
B. Location of Property
 The property in question is situated at the following address:
310 EAST CHURCH STREET, ELMIRA
$\rho_{i,\alpha}$
2. current zoning classification
3. tax map #89 . 19 - 6 - 4 (Available from Assessor's Office: (607) 737-5670
4. Is the property in question located within five hundred (500) feet from the boundary of any city, village, or town, or from any county or state parkway, expressway, throughway, or other limited access highway, or from the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from any county or state lands on which a public building or institution is situated?
X Yes No

C.	Gene	Commercial			
	1.	Current Use OFFICE BUDG Proposed Use	AME		
	2.	Number of dwelling units proposed:			
	3.	Number of employees proposed:			
	4.	Parking spaces required:			
		A. Proposed: C. Loading Zone Required:	☐ Yes	□ No	
		B. Handicapped: N/A D. Curb Cut Permit Required:	☐ Yes	☐ No	
	5.	Type of Non-Residential Use (if any)			
		N/A			
	6.	Lot Size A. Length:86	_ Ft.		
		B. Depth:97	Ft.		
		C. Area: 8342 ±	_ Square Ft.		
		(A and B available from Assessor's Office) (607) 737-5670			
	7.	Building Information A. Number of Stories:2			
		B. Floor area per story in square feet: (Available from the Asse: (607) 73	ssor's Office) 7-5670		
		Basement: 1860± First Floor: 5500± Second Floor: 5500		or: N/A	
	8.	Applicant's relationship to the property:			
		A. Owner B. Purchaser (must provide valid purchase offer) C. Tenant (present) D. Tenant (new) Lease Commitment: Yes E. Attorney for: A B C D F. Other (explain)			
	9.	Name and Address of Record Owner:			
		FOR PROPERTIES, LLC			
		201 ROBINSON STREET, BINGT	HOTOMAH	NNY	13904
	10.	. Name and Address of Attorney:			
		PLAN J. POPE, COUGHINE G	ERHA	RT	
		99 CORPORATE DRIVE, BINGH	33	27.376	13904
				-	

D. Request

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

1. Provisions of the Zoning Ordinance:

Section: 520.12

Concerning: LEAUTY SIGNS

From: 1 To: 2

2. Previous Appeal A previous appeal concerning this property

Has not been made

Has not been made	
Has been made on:	
	Date

Result:

4/4

- E. Reasons for Request to Zoning Board (attach additional pages if needed)
 - 1. Interpretation of the Zoning Ordinance above is requested to determine whether:

AIG

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

NA

	The defect of the oranieres would produce of the defect of the orange of the defect of the orange of
	Applicant has had a vacant building for
	nice in war in which it continues to pay
	taxes to the City of Elmira. Applicant is only looking for maximum exposure to lease its building by placing additional "Available" signs on B. The variance would observe the spirit of the Ordinance and would not change building.
	looking for maximum exposure to lease its
	building by placing additional "Available" signs on
	the character of the district because:
	The additional (2) " Available" Signs
	requested would be the same as the
	The additional (2) "Available" signs requested would be the same as the lone permitted sign on front or building
	c. THE APPLICANT MUST PROVIDE A SEPARATE PAGE GIVING A <u>FULL</u>
	<u>DETAILED DESCRIPTION</u> OF THE REQUEST.
	F. In addition to meeting the standards prescribed by the Zoning Ordinance, the applicant will
	provide:
	an opportunity to leave a long-to
	an opportunity to leave a long-term vacant building in the City of Emira
	in audou that the mublic convenience and welfers will be forther conved
	in order that the public convenience and welfare will be further served.
	G. If you would like to receive an electronic copy of the agenda and/or minutes that apply to your
	application, please provide your e-mail address, otherwise you may view and/or download this information at www.cityofelmira.net/ . If you do not provide an e-mail address, please refer to
	#1 of the Application Instruction for meeting dates and times.
	Applicant's e-mail address: JEENBERG & FEINBERG DEVELOPMENT, COM
	Zoning Appeals are approved on a provisional basis, subject to the applicant obtaining all
	required permits and meeting all New York State Fire Prevention and Building Codes.
	STATE OF NEW YORK)
	COUNTY OF CHEMUNG) ss:
	Sworn to before me this
	Applicant's Address 39109
	day of October, 2019 (607) 773 - 1777 (motion) (year) Applicant's Phone Number
)	() All A (All)
	THIS FORM MUST BE NOTARIZED (Notary Public) Page 4
	[1]
	JENNIFER L COLLINS NOTARY PUBLIC STATE OF NEW YORK
	BROOME LIC. #01CO6369220

3. A Variance of the Zoning Ordinance is requested for these reasons: (attach pages if needed)

A. Strict applications of the Ordinance would produce <u>Undue Hardship</u> because:

ZONING BOARD OF APPEALS APPLICATION ATTACHMENT TO AREA VARIANCE REQUEST

310 EAST CHURCH STREET

Applicant is the owner of an office building located at 310 East Church Street, which building was vacant for 10 years from 2006 when the former tenant (Sear-Brown) vacated the premises until the first floor of the building was leased to Gannett in 2016; the second floor remains vacant.

Applicant has posted an "Available" sign on the front of the building, which sign is faded and needs to be replaced. In addition, Applicant would like to place (2) additional "Available" signs on the east and west sides of the building. All (3) signs would be approximately 11' x 4' window panel signs (see attached rendering).

An area variance is requested to increase the number of permitted realty signs from (1) to (3)



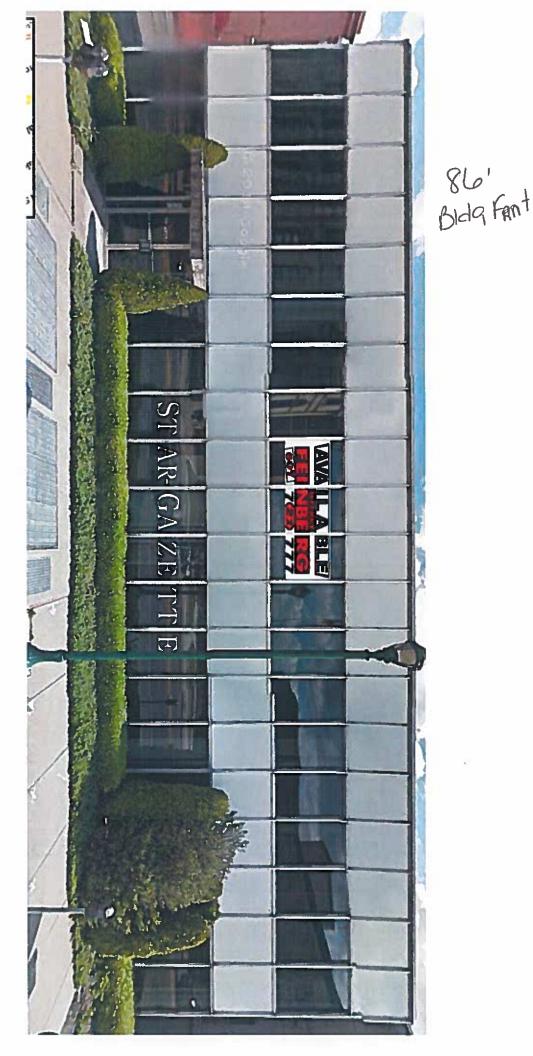
www.3igraphics.com Fax: 607-231-3917

Office: 607-723-8941 Description: Note: Colors are for representation only and may not accurately metals the first-hed product. Please refer to Pentone Color Guides and/or Meterial Samples for color metal. JOB NUMBER:

Feinberg Development - Three 44"x48" Window Panels

10665

www.facebook.com/3/Graphica sales@3igraphics.com Artwork copy right of 3l Graphics & Signs e DATE: 02/16/16



- (b) Signs will not be allowed to continue in an unkempt, blistered or faded condition, and the area immediately surrounding ground signs shall be kept clear of all untended vegetation and debris so as to comply with the intent of this Article.
- 520.8 Obsolete signs. Any sign, or sign structure, which no longer serves an on-going business, shall be removed by the owner, agent or person having the beneficial use of the building, structure, or lot upon which such sign is situated. Such sign shall be removed within three months after such time that the sign has been abandoned or is no longer functional. After such time, the Superintendent of Buildings is hereby authorized to notify, in writing, the owner of the building structure or lot or his agent ordering that the sign be removed within thirty (30) days after receipt of such notice. Upon failure to comply with such notice within the time specified in such order, the Superintendent of Buildings is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or lot upon which such sign is found.
- **520.9 Temporary Signs.** Temporary signs, shall not be used for a period exceeding thirty (30) consecutive days.
- 520.10 Awning Signs. Signs or lettering may be painted on, attached to, or otherwise located on an awning provided that they shall not extend vertically or horizontally beyond the limits of the awning.
- 520.11 Community Facility Signs. Unless otherwise permitted, any structure devoted to a school, church, library, museum or other permitted community facility, may have one (1) identification sign not to exceed twenty-four (24) square feet in area. If otherwise permitted to be illuminated hereunder, said signs may be illuminated only during the hours that the facility is open for use by the public.
- **520.12** Realty Signs. One sign, announcing the sale, lease or rental of a property, lot, or portion thereof is permitted for every fifty (50) feet of frontage of a property. For purposes of this section, a Realty Sign shall not be construed to be a Temporary or Portable sign.
- **520.13 Height of Signs.** No sign shall extend higher than the top of the parapet or past the roof line of a building, whichever is higher.
- 520.14 Off-street Parking and Loading Signs. Signs for off-street parking and loading areas shall not be limited in number, but shall be limited to those signs necessary to ensure the most efficient and safe operation of such area. Such signs shall be subject to the following requirements:
 - (a) Signs controlling traffic and pedestrian movement or designating entrances or exits shall not exceed six (6) square feet in area;
 - (b) One sign, not exceeding sixteen (16) square feet in area, identifying a parking or loading area shall be permitted for each street frontage of such area. Such sign

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	Wasan and a wasan and a	
Name of Action or Project: ADDITIONAL SIGNAGE		
Project Location (describe, and attach a location map):		
310 BAST CHURCH STREET	FIMIPA	
Brief Description of Proposed Action:	Edina	
Name of Applicant or Sponsor:	Telephone: (607)	7771777
AP PROPERTIES, UC	Cost	ERG C PEINBERG
Address: 201 ROBINSON STREET	δε	VELOPMENT. CO
City/PO: BINGHAMTON	State:	2ip Code: 13904
Does the proposed action only involve the legislative adoption of a administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action may be affected in the municipality and proceed to Part 2. If no, conti	on and the environmental resou	rces that V VES
2. Does the proposed action require a permit, approval or funding from If Yes, list agency(s) name and permit or approval:	m any other governmental Age	ncy? NO YES
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	All acres All acres Acres	
	action. Commercial Residential (Other (specify):	suburban)

5. Is the proposed action,		NO	YES	N/A
a. A permitted use under the zoning regulations?			N	
b. Consistent with the adopted comprehensive plan?			T/	
6. Is the proposed action consistent with the predominant character of the existing buil	or natural	1 James I	NO	YES
landscape?			V	
Is the site of the proposed action located in, or does it adjoin, a state listed Critical E If Yes, identify:	nvironmental A	rea?	NO	YES
ii i G, Mainiy.			1	
8. a. Will the proposed action result in a substantial increase in traffic above present le	vels?		NO	YES
b. Are public transportation service(s) available at or near the site of the proposed a	ction?		\square	
c. Are any pedestrian accommodations or bicycle routes available on or near site of	the proposed ac	ction?	V	
 Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technology 	71		NO	YES
in the proposed section with exceed requirements, describe design realizes and recumbiog	pes:		V	
10. Will the proposed action connect to an existing public/private water supply?			NO	YES
			NO	TES
If No, describe method for providing potable water:			M	
11. Will the proposed action connect to existing wastewater utilities?			NO	YES
If No, describe method for providing wastewater treatment:			Q	
12. a. Does the site contain a structure that is listed on either the State or National Reg	ister of Historic		NO	YES
Places? b. Is the proposed action located in an archeological sensitive area?			V .	
b. 15 the proposed action rocated in an archeological sensitive area:			V	
13. a. Does any portion of the site of the proposed action, or lands adjoining the propos wetlands or other waterbodies regulated by a federal, state or local agency?	ed action, conta	in	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetlan If Yes, identify the wetland or waterbody and extent of alterations in square feet or acre		7		
		-		
14. Identify the typical habitat types that occur on, or are likely to be found on the proj	ant site. Chasle	-11 Ab4		
그 하는 맛있다면, 요즘가 먹는 맛이 하나 맛있다. 그리는 맛이 없는 것은 그는 것이 되었다면 그 것은 사람이 모든데.	rly mid-success		врргу:	
☐ Wetland ☐ Urban ☐ Suburban				
15. Does the site of the proposed action contain any species of animal, or associated ha	bitats, listed		NO	YES
by the State or Federal government as threatened or endangered?			V	
16. Is the project site located in the 100 year flood plain?		1727	NO	YES
17 Will the second action and a standard disherent characteristics	mt saumen?		lv.	1000
17. Will the proposed action create storm water discharge, either from point or non-point Yes,			NO	YES
	O YES		M	
b. Will storm water discharges be directed to established conveyance systems (runof lf Yes, briefly describe:	f and storm drai	ins)?		
			4	1

18. Does the proposed action includ water or other liquids (e.g. reten	e construction or other activities that result in the impoundment of NO	YES
	non pond, waste nagoon, dann):	/
to tea, expansi purpose and size.		
19. Has the site of the proposed acti solid waste management facility	on or an adjoining property been the location of an active or closed NO	YES
If Yes, describe:		X
13 2 Ca, Gransson		
	on or an adjoining property been the subject of remediation (ongoing or NO	YES
completed) for hazardous waste's	·	1
ii i ca, describe		
		1
LAFFIRM THAT THE INFORM	ATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST	OF MY
KNOWLEDGE ()		21
Applicant/sponsor name:	-en h ferter Date: 10/17/19	
	elice in le in zea	
Signature:	Ciliania de la companya del companya del companya de la companya d	



City of Elmira

Code Enforcement Department Phone: (607) 737-5653 http://www.cityofelmira.net 101 W. Second St. Elmira, NY 14901 Fax: (607) 733-5235

Zoning Board of Appeals Application

To the Zoning Board of Appeals:

A. Statement of Ownership a	and Interest	
I (We) FDP Properties, LLC		
Name of App	plicant	
of 201 Robinson Street		
Street # Binghamton, NY 13904		
City, State, 2	7in	
hereby appeal to the Zoning Boar	rd or Appeals for:	
☐ 1. An interpretation of the state of	ne Zoning Ordinance	
	tinuing Nonconforming Use	
7 3a. A Use Variance		
☐ 3b. An Area Variance		
4. A Special Permit		
	nconforming Use to another	
6. Other:	3	
		
B. Location of Property		
The property in guestion	n is situated at the following add	dress:
262 Baldwin Street		
2. current zoning classifica	tion BB	(Available from Code Enforcement)
3. tax map # 89.19-6-57	1000	(Available from Assessor's Office: (607) 737-5670)
any city, village, or town or other limited access channel owned by the	n, or from any county or state p highway, or from the right-of	(500) feet from the boundary of arkway, expressway, throughway, f-way of any stream or drainage has established channel lines, or ng or institution is situated?
✓ Yes		

C.	General Data

1.	Current Use vacant land (parking) Proposed Use Same
2.	Number of dwelling units proposed: n/a
3.	Number of employees proposed: n/a
4.	Parking spaces required: n/a
	A. Proposed: n/a C. Loading Zone Required: Yes No
	B. Handicapped: n/a D. Curb Cut Permit Required: Yes No
5.	Type of Non-Residential Use (if any)
	n/a
6.	Lot Size A. Length: 37 Ft.
	B. Depth: 158 Ft.
	C. Area: 5846 +/- Square Ft.
	(A and B available from Assessor's Office) (607) 737-5670
7.	Building Information A. Number of Stories: n/a
	B. Floor area per story in square feet: (Available from the Assessor's Office)
	B. Floor area per story in square feet: (Available from the Assessor's Office) (607) 737-5670 Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a
8.	(607) 737-5670
8.	Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a Applicant's relationship to the property:
8.	Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a Applicant's relationship to the property: A. Owner B. Purchaser (must provide valid purchase offer)
8.	Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a Applicant's relationship to the property:
8.	Basement:
8.	Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a Applicant's relationship to the property: A. Owner B. Purchaser (must provide valid purchase offer) C. Tenant (present) D. Tenant (new) Lease Commitment: Yes No
8. 9.	Basement:
	Basement:
	Basement:
	Basement:
9.	Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a Applicant's relationship to the property: A. Owner B. Purchaser (must provide valid purchase offer) C. Tenant (present) D. Tenant (new) Lease Commitment: Yes No E. Attorney for: A B C D F F. Other (explain) Name and Address of Record Owner: FDP Properties, LLC 201 Robinson Street, Binghamton, NY 13904 Name and Address of Attorney:
9.	Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a Applicant's relationship to the property: A. Owner B. Purchaser (must provide valid purchase offer) C. Tenant (present) D. Tenant (new) Lease Commitment: Yes No E. Attorney for: A B C D F F. Other (explain) Name and Address of Record Owner: FDP Properties, LLC 201 Robinson Street, Binghamton, NY 13904

D. Request

The complete Zoning Ordinance is available online at http://www.cityofelmira.net/permits 1. Provisions of the Zoning Ordinance: Section: 110.44 and 110.2 Concerning: Fence/Accessory Structure From:_____ To: ___ 2. Previous Appeal A previous appeal concerning this property ✓ Has not been made Has been made on: _ Result: E. Reasons for Request to Zoning Board (attach additional pages if needed) 1. <u>Interpretation</u> of the Zoning Ordinance above is requested to determine whether: n/a 2. A Special Permit would be in harmony with the intent and purpose of the Zoning Ordinance because:

3. A Variance of the Zoning Ordinance is requested for these reasons: (attach pages if needed) A. Strict applications of the Ordinance would produce <u>Undue Hardship</u> because: See attached B. The variance would observe the spirit of the Ordinance and would not change the character of the district because: See attached C. THE APPLICANT MUST PROVIDE A SEPARATE PAGE GIVING A FULL **DETAILED DESCRIPTION OF THE REQUEST.** F. In addition to meeting the standards prescribed by the Zoning Ordinance, the applicant will provide: See attached in order that the public convenience and welfare will be further served. G. If you would like to receive an electronic copy of the agenda and/or minutes that apply to your application, please provide your e-mail address, otherwise you may view and/or download this information at www.gitvofelmira.net/. If you do not provide an e-mail address, please refer to #1 of the Application Instruction for meeting dates and times. jfeinberg@feinbergdevelopment.com Applicant's e-mail address:

Zoning Appeals are approved on a provisional basis, subject to the applicant obtaining all required permits and meeting all New York State Fire(Prevention and Buildigg Codes, STATE OF NEW YORK) Applicant's Signature COUNTY OF CHEMUNG) ss: 201 Browne Sworn to before me this Applicant's Address day of /bvember (month) (year) Applicant's Phone Number THIS FORM MUST BE NOTARIZED VINCENT J GENNETT NOTARY PUBLIC STATE OF NEW YORK Page 4 BROOME LIC. #01GE6382340

COMM. EXP. 10/22/2022

Zoning Board of Appeals Application

Section E-3 A, B and Section F

Section E: Reasons for Request to Zoning Boards

3. A Variance of the Zoning Ordinance is requested for these reasons

A. Strict applications of the Ordinance would produce <u>Undue</u> <u>Hardship</u> because:

Applicant has had a vacant lot at 262-272 Baldwin Street and 243 Lake Street for over ten years on which it continues to pay taxes to the City of Elmira. The City of Elmira's Code Officer cited us because a fence separating 262 Baldwin Street from the parking lot owned by the Arnot Art Museum and a fence separating 243 Lake Street from the parking lot owned by the Arnot Art Museum was partially down or in disrepair. It had been there for over 30 years and became in need of repair. The owner removed the fence intending to replace it with a new fence. The owner needed to accumulate funds to pay for a new fence because it was not able to rent the building for many years. The owner checked with the Code Officer regarding installing a fence on the property line along Baldwin Street and corner of E. Church Street and was told that the owner had to apply for a variance with the ZBA. Owner explained that the fences that were in despair that the Code Officer cited the owner for are different from a request to install a fence along the property line along Baldwin Street. Owner never had a fence along Baldwin Street property line but it had an internal fence within its property that the Code Officer cited. Owner is seeking permission for a fence along the property lines along Baldwin Street at 262 Baldwin Street and along 272 Baldwin Street and the corner of E. Church Street (north boundary).

Regarding the fence separating 262 Baldwin Street from the Arnot Art Museum parking lot and 243 Lake Street from the Arnot Art Museum

parking lot, owner believes it should be allowed to replace the fences that were there for 30 years that the Code Officer cited us for it without getting a variance. If a variance is required, then let this application serve as a request for a variance for those fences.

Applicant had a prospective tenant look at the property and saw children's toys and big wheels from 306 E. Church Street that were on the 262 Baldwin Street parking lot. The prospect decided not to lease a portion of 310 East Church Street, in part, because of the risk of the children being in the parking lot. A fence on the property line would keep the neighbor's tenant on its side of the fence. Applicant is looking to secure its property with fencing in order to keep unauthorized vehicles from parking on the lots at 262-272 Baldwin Street and 243 Lake Street and from unauthorized people or belongings on our parking lots.

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

This would prohibit unauthorized parking; it will also stop debris/garbage from coming onto the property from neighboring properties and it is only improving and enhancing the appearance of the property.

Section F:

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

An opportunity to lease and secure long-term vacant lot for parking in the City of Elmira.

City	of	Elmira
Zoni	na	Ordinance

Adopted December 21, 1998, as amended

- Driveway: That designated portion of a lot used primarily as a means for motor vehicle ingress and egress from said lot and the temporary parking of one or more vehicles which are generally associated with the owner of said lot.
- 110.39 **Dwelling:** A building designed or used exclusively as the living quarters for one or more families.
 - (a) **Dwelling, one-family**: A building containing one (1) dwelling unit used exclusively for occupancy by one family.
 - (b) A "two-family dwelling" is a building containing two dwelling units.
 - (c) A "three-family dwelling" is a building containing three dwelling units.
 - (d) A "four-family dwelling" is a building containing four dwelling units.
 - (e) A "multiple-family dwelling" is a building containing more than four (4) dwelling units or more than four (4) roomers with one family in a one-family dwelling.
- Dwelling unit: One or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family.
- 110.41 Elevated building: A building having its lowest floor elevated above the ground.
- 110.42 Factory Manufactured Home: Manufactured housing bearing the insignia of approval issued by the State of New York.
- 110.43 Family: One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit in a domestic relationship, including domestic help, if any, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or sorority, or hotel.
- 110.44 Fence: A structure, constructed of wood, masonry, stone, wire metal or any other manufactured material or combination of materials, erected in the minimum setback.
- Finished Grade: The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or structure. If the line of intersection is not reasonably horizontal, the finished grade, in computing height of a building and structure, shall be the mean elevation of all finished grade elevations around the periphery of the building.
- 110.46 Flea Market: A lot or parcel, or portion thereof, with outdoor stalls, booths, or selling spaces used for the display of used or new goods, wares, merchandise, antiques, collectibles and arts and crafts.
- 110.47 Floor Area: The aggregate sum of the gross horizontal area of the floor or several floors of the building or building group, measured from the exterior walls or from

ARTICLE I: DEFINITIONS

Section 100. Defined Generally.

For the purpose of this ordinance: words used in the present tense include the future; the singular number includes the plural and the plural, the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "occupied" includes the words "designated or intended to be occupied"; the word "used" includes the words "arranged", "designed" or "intended to be used." "Shall" is used in the mandatory and not in the discretionary sense. Unless otherwise specifically denoted below, words or phrases used in this ordinance shall be interpreted so as to attribute to them the meaning they have in common usage and to accord this ordinance its broadest and most reasonable application.

Section 110. Definitions.

- 110.1 Accessory Use: A use which is controlled by the person exercising a Principal Use, incidental to and customarily associated with the Principal Use and located on the same lot as the Principal Use.
- Accessory Structure: Shall mean a subordinate structure located on the same lot as the principal structure, occupied or devoted to an accessory use.
- Adult Care Facility: Shall mean any entity, whether public, private or parochial, which provides, with or without compensation, care and supervision, to three (3) or more persons over the age of minority, for any period of time less than twenty four (24) hours per day per person
- 110.4 Adult Use: "See Sexually Oriented Business".
- Alley: A narrow, supplementary thoroughfare for the public use of vehicles or pedestrians affording secondary access to abutting property.
- Alteration: Any change, rearrangement, modification, addition, or enlargement to a building, other than repair; any modification in construction or building equipment.
- 110.7 Appeal: Shall mean a request for review of the Superintendent of Building's interpretation of any provisions of this ordinance or a request for a variance from the requirements of this Ordinance.
- Basement: A story partly underground but having at least one-half (½) of its height above the average level of the adjoining ground. A "basement" shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5') or if it is used for business or dwelling purposes.

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:	=				
Fencing					
Project Location (describe, and attach a location map):					
262 Baldwin Street, Elmira					
Brief Description of Proposed Action:					
Name of Applicant or Sponsor:	Telephone	1-607-772-1777			
FDP Properties, LLC	E-Mail: jfe	inberg@feinbergdev	elopmer	nt.com	n
Address:			<u> </u>		
201 Robinson Street					
City/PO:	Sta	te:	Zip C	ode:	
Binghamton	ny		13904		
1. Does the proposed action only involve the legislative adoption of a plan, l	local law, ord	linance,	N	0	YES
administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and	l tha annina			-71	
may be affected in the municipality and proceed to Part 2. If no, continue to		nental resources ti	ոու <u>Ի</u>		$ ldsymbol{\sqcup} $
2. Does the proposed action require a permit, approval or funding from any	other govern	mental Agency?	N	0	YES
If Yes, list agency(s) name and permit or approval:			Г	71	
			ם ן ני		
3.a. Total acreage of the site of the proposed action?	n/a ac	res			
b. Total acreage to be physically disturbed?	n/a ac	res			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	nin ac	rac			
or controlled by the applicant or project sponsor?	n/a ac	ies			
4. Check all land uses that occur on, adjoining and near the proposed action					
		esidential (suburb	an)		
	(specify): n/s	<u> </u>			
Parkland					

5. Is the proposed action, a. A permitted use under the zoning regulations?	YES	N/A
b. Consistent with the adopted comprehensive plan?	✓	
6. Is the proposed action consistent with the predominant character of the existing built or natural	NO	YES
landscape?	V	
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:	$\overline{\mathbf{V}}$	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES
	V	
b. Are public transportation service(s) available at or near the site of the proposed action?	V	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	V	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:	NO	YES
The proposed action will exceed requirements, describe design readiles and reciniologies.	V	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES
If No, describe method for providing potable water:		
11 170, describe mediod for providing potable water.		
11. Will the proposed action connect to existing wastewater utilities?	NO	YES
If No, describe method for providing wastewater treatment:	V	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic	NO	YES
Places? b. Is the proposed action located in an archeological sensitive area?	V	
	V	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	V	
		_
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that Shoreline Forest Agricultural/grasslands Early mid-successional	apply:	
☐ Wetland ☐ Urban ☐ Suburban	1	
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
16. Is the project site located in the 100 year flood plain?	NO	YES
10. 13 the project site located in the 100 year 11000 plant:	الآا	LES
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes, a. Will storm water discharges flow to adjacent properties?	$\overline{\mathbf{V}}$	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		
If Yes, briefly describe:		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:	V	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	V	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	V	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE Applicant/sponsor name: Signature: Date: 11 14 19		F MY

Ag	ency	Ose Only	firabhii	aniel
Project:				
Date:				

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

Agency Use Only [If applicable]			
Project:			
Date:			

Short Environmental Assessment Form Part 3 Determination of Significance

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

Check this box if you have determined, based on the information that the proposed action may result in one or more pote environmental impact statement is required.	rmation and analysis above, and any supporting documentation, entially large or significant adverse impacts and an			
Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.				
Name of Lead Agency	Date			
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer			
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)			



City of Elmira

Code Enforcement Department

Phone: (607) 737-5653 http://www.cityofelmira.net 101 W. Second St. Elmira, NY 14901 Fax: (607) 733-5235

Zoning Board of Appeals Application

To the Zoning	Board of Appeals:	
A. Stateme	ent of Ownership and Interest	
I (We) FDP	Properties, LLC Name of Applicant	
of 201 Robin	son Street	
Binghamtor	Street # n, NY 13904	
<u> </u>	City, State, Zip	
hereby appea	al to the Zoning Board of Appeals for:	
2.	An interpretation of the Zoning Ordinance A Certification of Continuing Nonconforming Use A. A Use Variance D. An Area Variance A Special Permit Change from one Nonconforming Use to anothe Other:	
B. Location	of Property	
= 1. Ti	he property in question is situated at the followin	g address:
2	72 Baldwin Street	
2 . cı	urrent zoning classification BB	(Available from Code Enforcement)
3. ta	ax map # 89.19-6-1	(Available from Assessor's Office: (607) 737-5670)
ar or	s the property in question located within five hum ny city, village, or town, or from any county or st r other limited access highway, or from the right nannel owned by the county or for which the co	ate parkway, expressway, throughway, ght-of-way of any stream or drainage
fr	om any county or state lands on which a public t	

C.	General	<u>i Data</u>
----	----------------	---------------

1.	Current Use vacant land (parking) Proposed Use Same
2.	Number of dwelling units proposed: n/a
3.	Number of employees proposed: n/a
4.	Parking spaces required: n/a
	A. Proposed: n/a C. Loading Zone Required: Yes No
	B. Handicapped: n/a D. Curb Cut Permit Required: Yes No
5.	Type of Non-Residential Use (if any) n/a
6.	Lot Size A. Length: 69.3 Ft.
	B. Depth: <u>54</u> Ft.
	C. Area: 3742 +/- Square Ft.
	(A and B available from Assessor's Office) (607) 737-5670
7.	Building Information A. Number of Stories: n/a
	B. Floor area per story in square feet: (Available from the Assessor's Office) (607) 737-5670
	Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a
8.	Applicant's relationship to the property:
	A. Owner B. Purchaser (must provide valid purchase offer) C. Tenant (present) D. Tenant (new) Lease Commitment: Yes No E. Attorney for: A B C D F F. Other (explain)
9.	Name and Address of Record Owner: FDP Properties, LLC
	201 Robinson Street, Binghamton, NY 13904
10.	Name and Address of Attorney:
	Alan J. Pope,Coughlin & Gerhart

D. Request

The complete Zoning Ordinance is available online at http://www.cityofelmira.net/permits 1. Provisions of the Zoning Ordinance: Section: 110.44 and 110.2 Concerning: Fence and Accessory Structure From:______ To: ____ 2. Previous Appeal A previous appeal concerning this property ✓ Has not been made Has been made on: _ Date: **Result:** E. Reasons for Request to Zoning Board (attach additional pages if needed) 1. <u>Interpretation</u> of the Zoning Ordinance above is requested to determine whether: n/a 2. A Special Permit would be in harmony with the intent and purpose of the Zoning Ordinance because: n/a

	3		and a second of the Tantan Coding on the second of the three second of the second of t
	3.	AV	ariance of the Zoning Ordinance is requested for these reasons: (attach pages if needed)
		A.	Strict applications of the Ordinance would produce <u>Undue Hardship</u> because:
			See attached
			See allached
		В.	The variance would observe the spirit of the Ordinance and would not change the character of the district because:
			See attached
		C.	THE APPLICANT MUST PROVIDE A SEPARATE PAGE GIVING A <u>FULL</u> <u>DETAILED DESCRIPTION</u> OF THE REQUEST.
F.	In add provide		to meeting the standards prescribed by the Zoning Ordinance, the applicant will
	See a	attac	hed
	in orde	er tha	t the public convenience and welfare will be further served.
G.	applica inform	ation, ation	d like to receive an electronic copy of the agenda and/or minutes that apply to your please provide your e-mail address, otherwise you may view and/or download this at www.cityofelmira.net/ . If you do not provide an e-mail address, please refer to pplication Instruction for meeting dates and times.
	Applica	ant's	e-mail address: jfeinberg@feinbergdevelopment.com
			are approved on a provisional basis, subject to the applicant obtaining all and meeting all New York State Fire Prevention and Building Codes.
STATE	OF NEV	V YO	plan in terring
	Y OF C		JNG) ss:
Sworn	to befor	-	

Applicant's Phone Number - THIS FORM <u>MUST</u> BE NOTARIZED

Page 4

day of Movember, 2019 (year)

(Notery Public)
Eimira City Hall E-Document

Zoning Board of Appeals Application

Section E-3 A, B and Section F

Section E: Reasons for Request to Zoning Boards

3. A Variance of the Zoning Ordinance is requested for these reasons

A. Strict applications of the Ordinance would produce <u>Undue</u> <u>Hardship</u> because:

Applicant has had a vacant lot at 262-272 Baldwin Street and 243 Lake Street for over ten years on which it continues to pay taxes to the City of Elmira. The City of Elmira's Code Officer cited us because a fence separating 262 Baldwin Street from the parking lot owned by the Arnot Art Museum and a fence separating 243 Lake Street from the parking lot owned by the Arnot Art Museum was partially down or in disrepair. It had been there for over 30 years and became in need of repair. The owner removed the fence intending to replace it with a new fence. The owner needed to accumulate funds to pay for a new fence because it was not able to rent the building for many years. The owner checked with the Code Officer regarding installing a fence on the property line along Baldwin Street and corner of E. Church Street and was told that the owner had to apply for a variance with the ZBA. Owner explained that the fences that were in despair that the Code Officer cited the owner for are different from a request to install a fence along the property line along Baldwin Street. Owner never had a fence along Baldwin Street property line but it had an internal fence within its property that the Code Officer cited. Owner is seeking permission for a fence along the property lines along Baldwin Street at 262 Baldwin Street and along 272 Baldwin Street and the corner of E. Church Street (north boundary).

Regarding the fence separating 262 Baldwin Street from the Arnot Art Museum parking lot and 243 Lake Street from the Arnot Art Museum

parking lot, owner believes it should be allowed to replace the fences that were there for 30 years that the Code Officer cited us for it without getting a variance. If a variance is required, then let this application serve as a request for a variance for those fences.

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

This would prohibit unauthorized parking; it will also stop debris/garbage from coming onto the property from neighboring properties and it is only improving and enhancing the appearance of the property.

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

An opportunity to lease and secure long-term vacant lot for parking in the City of Elmira.

City of Elmira	
Zoning Ordinance 110.38	Adopted December 21, 1998, as amended Driveway: That designated portion of a lot used primarily as a means for motor vehicle ingress and egress from said lot and the temporary parking of one or more vehicles which are generally associated with the owner of said lot.
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	 (a) Dwelling, one-family: A building containing one (1) dwelling unit used exclusively for occupancy by one family. (b) A "two-family dwelling" is a building containing two dwelling units. (c) A "three-family dwelling" is a building containing three dwelling units. (d) A "four-family dwelling" is a building containing four dwelling units. (e) A "multiple-family dwelling" is a building containing more than four (4) dwelling units or more than four (4) roomers with one family in a one-family dwelling units.
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110.45	Finished Grade: The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or structure. If the line of intersection is not reasonably horizontal, the finished grade, in computing height of a building and structure, shall be the mean elevation of all finished grade elevations around the periphery of the building.
110.46	Flea Market: A lot or parcel, or portion thereof, with outdoor stalls, booths, or

selling spaces used for the display of used or new goods, wares, merchandise,

Floor Area: The aggregate sum of the gross horizontal area of the floor or several floors of the building or building group, measured from the exterior walls or from

antiques, collectibles and arts and crafts.

110.47

Revised 2/10

ARTICLE I: DEFINITIONS

Section 100. Defined Generally.

For the purpose of this ordinance: words used in the present tense include the future; the singular number includes the plural and the plural, the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "occupied" includes the words "designated or intended to be occupied"; the word "used" includes the words "arranged", "designed" or "intended to be used." "Shall" is used in the mandatory and not in the discretionary sense. Unless otherwise specifically denoted below, words or phrases used in this ordinance shall be interpreted so as to attribute to them the meaning they have in common usage and to accord this ordinance its broadest and most reasonable application.

Section 110. Definitions.

- 110.1 Accessory Use: A use which is controlled by the person exercising a Principal Use, incidental to and customarily associated with the Principal Use and located on the same lot as the Principal Use.
- 110.2 Accessory Structure: Shall mean a subordinate structure located on the same lot as the principal structure, occupied or devoted to an accessory use.
- Adult Care Facility: Shall mean any entity, whether public, private or parochial, which provides, with or without compensation, care and supervision, to three (3) or more persons over the age of minority, for any period of time less than twenty four (24) hours per day per person
- 110.4 Adult Use: "See Sexually Oriented Business".
- 110.5 Alley: A narrow, supplementary thoroughfare for the public use of vehicles or pedestrians affording secondary access to abutting property.
- Alteration: Any change, rearrangement, modification, addition, or enlargement to a building, other than repair; any modification in construction or building equipment.
- 110.7 **Appeal:** Shall mean a request for review of the Superintendent of Building's interpretation of any provisions of this ordinance or a request for a variance from the requirements of this Ordinance.
- Basement: A story partly underground but having at least one-half (½) of its height above the average level of the adjoining ground. A "basement" shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5') or if it is used for business or dwelling purposes.

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:			
Fencing			
Project Location (describe, and attach a location map):		11	
272 Baldwin Street, Elmira			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:	Telephone: 1-607-772-1777		
FDP Properties, LLC	E-Mail: jfeinberg@feinbergdeveld	pment.com	π
Address:	,	,	
201 Robinson Street			
City/PO:	State: Z	ip Code:	
Binghamton	ny 13	904	
1. Does the proposed action only involve the legislative adoption of a plan,	ocal law, ordinance,	NO	YES
administrative rule, or regulation?	the environmental account that		- 4 20-104 - 10
If Yes, attach a narrative description of the intent of the proposed action and may be affected in the municipality and proceed to Part 2. If no, continue to		V	Ш.
2. Does the proposed action require a permit, approval or funding from any	•	NO	YES
If Yes, list agency(s) name and permit or approval:			
3.a. Total acreage of the site of the proposed action?	n/a acres		
b. Total acreage to be physically disturbed?	n/a acres		
c. Total acreage (project site and any contiguous properties) owned			
or controlled by the applicant or project sponsor?	n/a acres		
4. Check all land uses that occur on, adjoining and near the proposed action	ı .		
	nercial Residential (suburban)	
□Forest □Agriculture □Aquatic □Other	(specify): n/a		
Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	YES	N/A
	H	
b. Consistent with the adopted comprehensive plan?		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES
	V	
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:		
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES
	$\overline{\mathbf{V}}$	153
b. Are public transportation service(s) available at or near the site of the proposed action?		
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES
If the proposed action will exceed requirements, describe design features and technologies:		
10. Will the proposed action connect to an existing public/private water supply?	NO	YES
10. This the proposed action connect to an existing public private water supply?	110	1123
If No, describe method for providing potable water:		
		ľ
11. Will the proposed action connect to existing wastewater utilities?	NO	YES
If No, describe method for providing wastewater treatment:	 √	$ \sqcup $
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES
b. Is the proposed action located in an archeological sensitive area?		
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain	NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?		
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		╁
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:	V	닏
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that	t apply:	
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional	•••	
☐ Wetland ☐ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed	NO	YES
by the State or Federal government as threatened or endangered?	1	\Box
16. Is the project site located in the 100 year flood plain?	NO	YES
10. 15 the project site located in the 100 year flood pidlif:		1 53
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		1 23
a. Will storm water discharges flow to adjacent properties?		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		
If Yes, briefly describe:		

18. Does the proposed action include construction or other activities that result in the impoundment of	NO	YES
water or other liquids (e.g. retention pond, waste lagoon, dam)?		
If Yes, explain purpose and size:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?		
If Yes, describe:		
	NO	MEG
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
	IV	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE	BEST O	FMY
KNOWLEDGE	1	
Applicant/sponsor name: Date: 11/1-	1/19	
	1	
Signature: Jeffrey N. Feinberg	<u> </u>	

Ag	ency	Use Unly	III applicat	olej
Project:				
Date:		_		

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

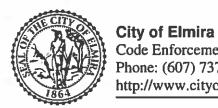
Agen	cy Use Only [If applicable]
Project:	215
Date:	

Short Environmental Assessment Form Part 3 Determination of Significance

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

Check this box if you have determined, based on the informati that the proposed action may result in one or more potential environmental impact statement is required.	on and analysis above, and any supporting documentation, ly large or significant adverse impacts and an
Check this box if you have determined, based on the informati that the proposed action will not result in any significant adversariance.	
Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	gnature of Preparer (if different from Responsible Officer)

PRINT FORM



Code Enforcement Department Phone: (607) 737-5653 http://www.cityofelmira.net

101 W. Second St. Elmira, NY 14901 Fax: (607) 733-5235

Zoning Board of Appeals Application

To the Zoning Board of Appeals:

A. Stater	ment of Ownership and Interest	
I (We) FD	P Properties, LLC	
` /—	Name of Applicant	
of 201 Rol	binson Street	
	Street #	
Bingham	ton, NY_13904	
	City, State, Zip	
hereby app	peal to the Zoning Board of Appeals for:	
	 An interpretation of the Zoning Ordinance A Certification of Continuing Nonconforming Use A Use Variance An Area Variance A Special Permit Change from one Nonconforming Use to another Other: 	
B. Locati	ion of Property	
1.	The property in question is situated at the following a	ddress:
	243 Lake Street (Bear)	# A
2.	current zoning classification BB	(Available from Code Enforcement)
3.	tax map # 89.19-6-7	(Available from Assessor's Office: (607) 737-5670)
4.	Is the property in question located within five hundrany city, village, or town, or from any county or state or other limited access highway, or from the right channel owned by the county or for which the country or state lands on which a public build	parkway, expressway, throughway, -of-way of any stream or drainage ity has established channel lines, or
	✓ Yes No	

C.	General Data
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1.	Current Use vacant land (parking) Proposed Use Same
2.	Number of dwelling units proposed: n/a
3.	Number of employees proposed: n/a
4.	Parking spaces required: n/a
	A. Proposed: n/a C. Loading Zone Required: Yes No
	B. Handicapped: n/a D. Curb Cut Permit Required: Yes No
5.	Type of Non-Residential Use (if any) n/a
6.	Lot Size A. Length: 66
	B. Depth: 73 Ft.
	C. Area: 4818 +/- Square Ft.
	(A and B available from Assessor's Office) (607) 737-5670
7.	Building Information A. Number of Stories: n/a
	B. Floor area per story in square feet: (Available from the Assessor's Office) (607) 737-5670
	Basement: n/a First Floor: n/a Second Floor: n/a Third Floor: n/a
8.	Applicant's relationship to the property:
9.	Name and Address of Record Owner: FDP Properties, LLC
	201 Robinson Street, Binghamton, NY 13904
10.	Name and Address of Attorney: Alan J. Pope, Coughlin & Gerhart
	99 Corporate Drive, Binghamton, NY 13904

D.	Request
-	110 M H COL

	The complete Zoning Ordinance is available online at http://www.cityofelmira.net/permits
	1. Provisions of the Zoning Ordinance: Section: 110.44 and 110.2
	Concerning: Fence and Accessory Structure
	From: To:
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	✓ Has not been made
	Has been made on:
	Result:
_	
E.	Reasons for Request to Zoning Board (attach additional pages if needed)
	4. Tobarrataking of the Toules Ordinary should be accorded to determine the
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	n/a

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Page 4

Elmira City Hall E-Document

VINCENT J GENNETT NOTARY PUBLIC STATE OF NEW YORK BROOME LIC. #01GE6382340 COMM. EXP. 10/22/2022

Zoning Board of Appeals Application

Section E-3 A, B and Section F

Section E: Reasons for Request to Zoning Boards

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- Accessory Structure: Shall mean a subordinate structure located on the same lot as the principal structure, occupied or devoted to an accessory use.
- Adult Care Facility: Shall mean any entity, whether public, private or parochial, which provides, with or without compensation, care and supervision, to three (3) or more persons over the age of minority, for any period of time less than twenty four (24) hours per day per person
- 110.4 Adult Use: "See Sexually Oriented Business".
- Alley: A narrow, supplementary thoroughfare for the public use of vehicles or pedestrians affording secondary access to abutting property.
- Alteration: Any change, rearrangement, modification, addition, or enlargement to a building, other than repair; any modification in construction or building equipment.
- 110.7 Appeal: Shall mean a request for review of the Superintendent of Building's interpretation of any provisions of this ordinance or a request for a variance from the requirements of this Ordinance.
- Basement: A story partly underground but having at least one-half (½) of its height above the average level of the adjoining ground. A "basement" shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet (5') or if it is used for business or dwelling purposes.

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:					
Fencing		white Minima is built and			
Project Location (describe, and attach a location map):		-			
243 Lake Street, Elmira					
Brief Description of Proposed Action:	··				
		-			
Name of Applicant or Sponsor:	Telephone: 1-607-772	P-1777	-5		
FDP Properties, LLC		E-Mail: jfeinberg@feinbergdevelopment.com			
Address:	Jieli bei g@ieli	ineignevelopi	Herit, con		
201 Robinson Street					
City/PO:	State:	Zip	Code:		
Binghamton ny 13904					
1. Does the proposed action only involve the legislative adoption of a plant of the proposed action only involve the legislative adoption of a plant of the proposed action only involve the legislative adoption of a plant of the proposed action only involve the legislative adoption of a plant of the proposed action only involve the legislative adoption of a plant of the proposed action only involve the legislative adoption of a plant of the proposed action only involve the legislative adoption of a plant of the proposed action only involve the legislative adoption of a plant of the proposed action only involve the legislative adoption of a plant of the proposed action on the proposed action only involve the legislative adoption of a plant of the proposed action of the pro	an, local law, ordinance,	_0.7	NO	YES	
administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action	and the environmental res	ources that			
may be affected in the municipality and proceed to Part 2. If no, continu		Juices mat			
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?				YES	
If Yes, list agency(s) name and permit or approval:			V		
3.a. Total acreage of the site of the proposed action?	n/a_acres				
b. Total acreage to be physically disturbed?	n/a_acres			-	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	n/a acres				
4. Check all land uses that occur on, adjoining and near the proposed ac	ction. ommercial 🔲 Residential	(auhushas)			
_	iher (specify): n/a	(2000LDBU)			
Parkland	ilei (specity).				
a nama					

5. Is the proposed action,a. A permitted use under the zoning regulations?	NO 	YES	N/A
b. Consistent with the adopted comprehensive plan?		7	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO V	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar If Yes, identify:	rea?	NO	YES
ii i es, idelitiiy.			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO V	YES
b. Are public transportation service(s) available at or near the site of the proposed action?			H
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac	tion?	V	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies:		NO	YES
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:		V	
11. Will the proposed action connect to existing wastewater utilities?	100 00000	NO	YES
If No, describe method for providing wastewater treatment:	_	V	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES
b. Is the proposed action located in an archeological sensitive area?		 	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	n	NO V	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:		V	旹
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a Shoreline Forest Agricultural/grasslands Early mid-success. Wetland Urban Suburban		apply:	!
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?		V	
16. Is the project site located in the 100 year flood plain?		NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES
If Yes, a. Will storm water discharges flow to adjacent properties? NO YES			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain If Yes, briefly describe:	ns)?		

18. Does the proposed action include construction or other activities that result in the impoundment of	NO	YES
water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility? If Yes, describe:		
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 V	YES
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE Applicant/sponsor name: Signature: Date: 1 14		F MY
Signature: Julian h feurley		

Agency Use Only [11 applicable]					
Project:					
Date:					

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

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

RESOLUTION

NO'S. 19-11-02, 19-11-03, 19-12-01, 19-12-02 & 19-12-03

Motion by Boardmember McCarthy to refer the applications for area and use variances for signage and fencing at 262, 272 Baldwin Street, 310 E. Church Street, & 243 Lake Street Rear to the Chemung County Planning Board, pursuant to Section 1030 of the Zoning Ordinance of the City of Elmira and Sections 239(1)&(m) of the New York State General Municipal Law.

Seconded by Boardmember Shaffer.

WHEREAS, this matter concerns applications by FDP Properties, LLC requesting the granting of area and use variances for signage and fencing at 262, 272 Baldwin Street, 310 E. Church Street, & 243 Lake Street Rear, Elmira, NY; and

WHEREAS, this matter is a County Planning Board Referral;

NOW, THEREFORE, BE IT

RESOLVED, that the Elmira City Zoning Board of Appeals hereby refers the application and request by FDP Properties, LLC for area and use variances for signage and fencing at 262, 272 Baldwin Street, 310 E. Church Street, & 243 Lake Street Rear, Elmira, NY to the Chemung County Planning Board, pursuant to Section 1030 of the Zoning Ordinance of the City of Elmira and Sections 239(l) & (m) of the New York State General Municipal Law.

VOTE

AYES		NAYS
$\overline{\mathbf{X}}$	BOARDMEMBER WICH	
X	BOARDMEMBER SHAFFER	
	BOARDMEMBER WILCOX	ABSENT
X	BOARDMEMBER MCCARTHY	
	BOARDMEMBER TOBIN	ABSEND

12/3/19



Chemung County Planning Board

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

Referral Number
For office use only

(607) 737-5510

www.chemungcountyny.gov planning@co.chemung.ny.us

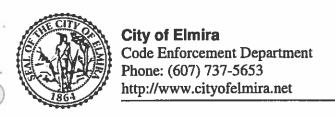
Chemung County Planning Board — Municipal Referral Form (Please complete all information on both pages)							
	lage of <u>City of Elmira</u>						
	Title: Director of Code Enforcement						
Address: 101 W. Second Street, Elmira, NY 14901							
Phone Number: X5718	E-mail: jmccracken@cityofelmira.net						
Referring Board (check appropriate box): Legislative							
Petitioner(s): <u>Johnny Mei</u> Design)	Phone: (607)737-4638 (David Adams – AJ						
Petitioner's Mailing Address: 15 Hancock Drive, Hors	seheads, NY 14845 E-mail: dadams@ajh-design.com						
Location of Property: 1526 Grand Central Avenue, Elr	mira, NY						
Current Zoning District: RB (1 to 2 Family)							
Proposed Action: (check all that apply) ☐ Area Variance ☐ X Use Variance ☐ Site Plan Review ☐ Special/Conditional Use Permit ☐ Comprehensive Plan Adoption / Amendment ☐ Other (please specify):							

Minutes & Resolution Attached

(Please identify each item by filling in the appropriate blank after each item) (a) Boundary of the (City), (Village) or (Town) of: ______ ☐ X(b) Boundary of any existing or proposed (County) or (State Park) or any (Other Recreation Area): Clemens Center Parkway (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 areavariances: ______ Hearings/Meetings Schedule Meeting Dates (prior and future) **Public Hearing Date** Board Town Board/Village Board of Trustees Zoning Board of Appeals December 3, 2019 Planning Board/Planning Commission January 7, 2020 City Council Action taken on this application (reviewed, approved, discussed, etc.) 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). 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)

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

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



101 W. Second St. Elmira, NY 14901

Fax: (607) 733-5235

Zoning Board of Appeals Application

To the Zoning Board of Appeals:

A. Statement of Ownership and Interest	
I (We) Johnny Mei	
Name of Applicant	
of 15 Hancock Drive	
Street #	
Horseheads, New York 14845	
City, State, Zip	
hereby appeal to the Zoning Board of Appeals for:	
 □ 1. An interpretation of the Zoning Ordinance □ 2. A Certification of Continuing Nonconforming Use □ 3a. A Use Variance □ 3b. An Area Variance □ 4. A Special Permit □ 5. Change from one Nonconforming Use to another □ 6. Other: 	
B. <u>Location of Property</u>	
 The property in question is situated at the following address: 	
1526 Grand Central Avenue	
2. current zoning classification RB 1 to 2 Family (Available from Code Enforcement)	
3. tax map # 7914-1-11 (Available from Assessor's Office: (607) 737-	-5670)
4. Is the property in question located within five hundred (500) feet from the boundary of any city, village, or town, or from any county or state parkway, expressway, throughway, or other limited access highway, or from the right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from any county or state lands on which a public building or institution is situated?	
☐ Yes No	

•	<u>Gener</u>	BE General Commercial Apartments,					
	1.	Current Use Vacant apartments Proposed Use Apartments, Bed and Breakfast, and Restaurant					
	2.	Number of dwelling units proposed: 14					
		Number of employees proposed: 8					
	4.	Parking spaces required: Max. 28 Apt/Dorm use + 13 Restaurant = 41 spaces					
		A. Proposed: 41 C. Loading Zone Required: Yes No					
		B. Handicapped: 2 D. Curb Cut Permit Required: Yes No					
	5.	Type of Non-Residential Use (if any)					
		Restaurant in addition to bed and breakfast					
	6.	Lot Size A. Length: <u>556.07'</u> Ft.					
		B. Depth: 625.33'					
		C. Area: 5.386 Acres = 234,614 SF Square Ft.					
		(A and B available from Assessor's Office) (607) 737-5670					
	7.	A. Number of Stories: 3					
		B. Floor area per story in square feet: (Available from the Assessor's Office) (607) 737-5670					
		Basement: 6,278 First Floor: 6,595 Second Floor: 5,964 Third Floor: 3,004					
	8.	Applicant's relationship to the property:					
		A. Owner					
		B. Purchaser (must provide valid purchase offer)C. Tenant (present)					
	☐ D. Tenant (new) Lease Commitment: ☐ Yes ☐ No						
		E. Attorney for: A B C D F [] F. Other (explain)					
	9.	Name and Address of Record Owner:					
		J and R Invest, LLC					
		15 Hancock Drive, Horseheads, NY 14845					
	10.	Name and Address of Attorney:					
		Steven E. Agan, Esq. Sayles & Evans, One West Church Street,					
		Elmira, New York 14901					

D. Request

The complete Zoning Ordinance is available online at http://www.cityofelmira.net/permits 1. Provisions of the Zoning Ordinance: Section: 250 Concerning: Residence B District - 2 Family From: 250.3 To: 250.10 2. Previous Appeal A previous appeal concerning this property Has been made on: Date: Result: E. Reasons for Request to Zoning Board (attach additional pages if needed) 1. <u>Interpretation</u> of the Zoning Ordinance above is requested to determine whether: This property may be utilized as a transient occupancy dwelling with a restaurant. 2. A Special Permit would be in harmony with the intent and purpose of the Zoning Ordinance because: See attached.

	e is requested for these reasons: (attach pages if needed) ance would produce <u>Undue Hardship</u> because:					
See attached						
The variance would observe the the character of the district because.	e spirit of the Ordinance and would not change ause:					
See attached						
C. THE APPLICANT MUST PROV DETAILED DESCRIPTION OF	VIDE A SEPARATE PAGE GIVING A FULL THE REQUEST.					
F. In addition to meeting the standards prescribed by the Zoning Ordinance, the applicant will provide: Proper fire rated assemblies between the mixed occupancy as required by the International Building Code.						
in order that the public convenience and welfare will be further served. G. If you would like to receive an electronic copy of the agenda and/or minutes that apply to your application, please provide your e-mail address, otherwise you may view and/or download this information at www.cityofelmira.net/ . If you do not provide an e-mail address, please refer to #1 of the Application Instruction for meeting dates and times. Applicant's e-mail address: dadams@ajh-design.com						
Zoning Appeals are approved on a provisional required permits and meeting all New York Sta	I basis, subject to the applicant obtaining all te Fire Prevention and Building Codes.					
STATE OF NEW YORK)						
COUNTY OF CHEMUNG) SS:	Applicant's Signature					
Sworn to before me this	15 Hancock Drive, Horseheads, NY 14845					
30th 0-1 /m 7019	Appacant's Address					
day of Charles (vest)						
Karay & Farel 1	Applicants Phone Number					
(Notary Public) Elmira City Hall E-Document Page 4	- THIS FORM <u>MUST</u> BE NOTARIZED					
Elmira City Hall E-Document KAPEN A. PASCHAL Rotary Public, State of New York STEUBERT COUNTY #4897499 Commission Expires June 1, 20 23						



Architecture - Residential / Commercial / Industrial

Memorandum

Date:

October 7, 2019

Project Name: 1526 Grand Central Ave

Project No.:

19-088

To:

File 18-088 II

From:

D. Adams

Copy:

City of Elmira Zoning Board of Appeals, File

Responses to Zoning Board of Appeals Application questions:

- E. 2: The proposed occupancy is considered a commercial occupant, although it will be used for shortterm residential purposes. This property is adjacent to a residential district and light industrial as well as a conservation district.
- E, 3, A: The property is currently zoned as RB 1 to 2 Family. The proposed use of the building is to utilize the facility as a bed and breakfast, which is a BE-General Commercial use according to the zoning regulation definitions of district intents. It is unlikely that this property will be purchased as a 1 or 2 family dwelling.
- E, 3, B: The variance would observe the spirit of the ordinance in utilizing this property as a residence and commercial property. This property borders residential properties as well as industrial properties, providing a buffer between these uses that coordinates with both adjacent districts.
- F: Renovations to the facility will be required to accommodate the proposed mixed use. Renovations will provide separation between sleeping units and restaurant area in accordance with the International Building Code and New York State Fire Prevention Codes.

F.\Johnny Mei 1526 Grand Central Code Review\Zoning Board\mm191006-Zoning Board Responses.docx

111 EAST 14TH STREET **ELMIRA HEIGHTS, NEW YORK 14903** PH: (607)-737-4638 FAX: (607)-767-6115

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:					
1526 Grand Central Avenue Bend And Breakfast Zoning Board Appeal					
Project Location (describe, and attach a location map):					
1526 Grand Central Avenue.					
Brief Description of Proposed Action:					
Variance request to utilize property at 1526 Grand Central Avenue as an apartment/dorr Proposed property is currently zoned RB-1 and 2 Family, desired district use is GE - Ge			with re:	staurant	
Name of Applicant or Sponsor:	Telepl	none: 607-737-4638			
David R. Adams - AJH Design	-	I: dadams@ajh-design.c	om		
Address:					
111 East 14th Street		289			
City/PO: State: Zip			p Code:		
Elmira Heights, NY 1490			3		
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance,				NO	YES
administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.				√	
2. Does the proposed action require a permit, approval or funding from any	other go	overnmental Agency?		NO	YES
If Yes, list agency(s) name and permit or approval: City of Elmira Building Permit					✓
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.386 acres 0 acres					
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Comm ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (☐ Parkland	ercial	☑Residential (suburt	ban)	Province	

The state of the s			
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO .	YES	N/A
b. Consistent with the adopted comprehensive plan?	H	7	
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?			$\overline{\mathbf{V}}$
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Are	:a?	NO	YES
If Yes, identify:			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
a. Will the proposed action result in a substantial increase in daine above present revers:		V	
b. Are public transportation service(s) available at or near the site of the proposed action?		H	7
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed acti	on?	7	
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:			
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			V
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			V
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places?			
b. Is the proposed action located in an archeological sensitive area?		V	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain	i	NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?		V	
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:		✓	
11 105, Identity the vectorial of varieties of arctiations in square feet of acros.			
	-		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check at		apply:	
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-succession	mal		
☐ Wetland ☐ Urban ☑ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO	YES
16. Is the project site located in the 100 year flood plain?		NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		NO	YES
If Yes,			I ES
a. Will storm water discharges flow to adjacent properties?			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains If Yes, briefly describe:	s)?		

18. Does the proposed action include construction or other activities that result in the impoundment of	NO	YES
water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	V	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?	1	
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:	V	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST C)F MY
Applicant/sponsor name: Savid R. Adams, R.A. LEED AP BD&C Date: October 28, 2019		
Signature:		

Agency Use Only [If applicable]			
Project:			
Date:			

Short Environmental Assessment Form Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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

		No, or small impact may occur	Moderate to large impact may occur
Will the proposed action of regulations?	create a material conflict with an adopted land use plan or zoning		
2. Will the proposed action (result in a change in the use or intensity of use of land?		
3. Will the proposed action i	impair the character or quality of the existing community?		
	have an impact on the environmental characteristics that caused that Environmental Area (CEA)?	e	
	result in an adverse change in the existing level of traffic or ure for mass transit, biking or walkway?		
	cause an increase in the use of energy and it fails to incorporate gy conservation or renewable energy opportunities?		
7. Will the proposed action i a. public / private wat			
b. public / private was	stewater treatment utilities?		
Will the proposed action is architectural or aesthetic r	impair the character or quality of important historic, archaeologica resources?	al,	
	result in an adverse change to natural resources (e.g., wetlands, r, air quality, flora and fauna)?		
10. Will the proposed action problems?	result in an increase in the potential for erosion, flooding or drain	nage	
11. Will the proposed action	create a hazard to environmental resources or human health?		

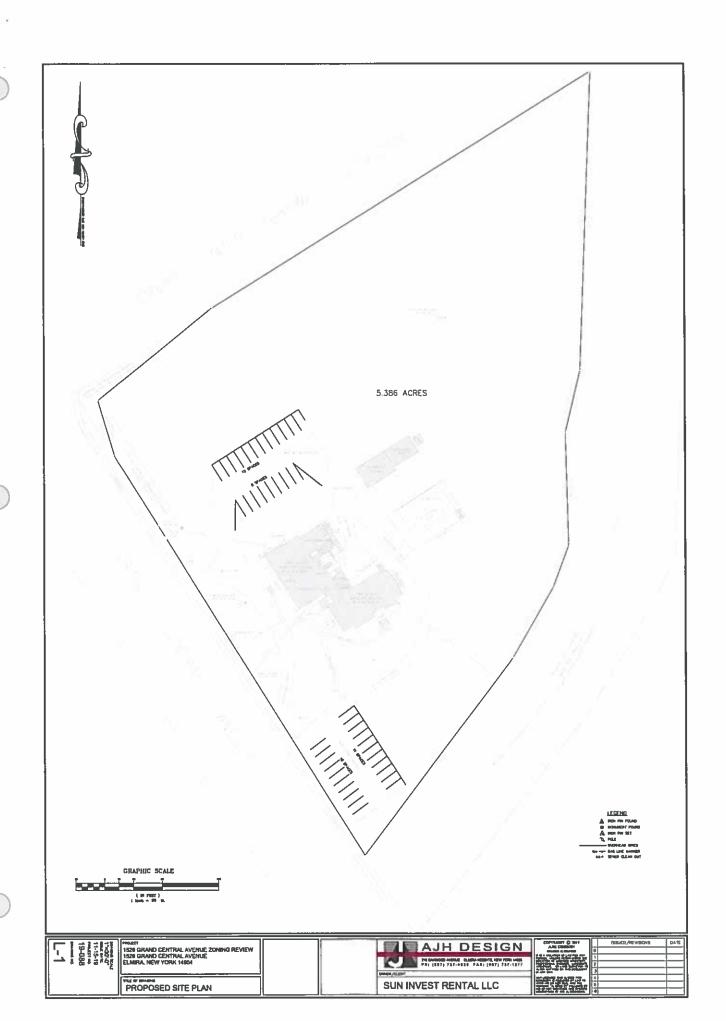
Agency Use Only [II applicable]			
Project:			
Date:			

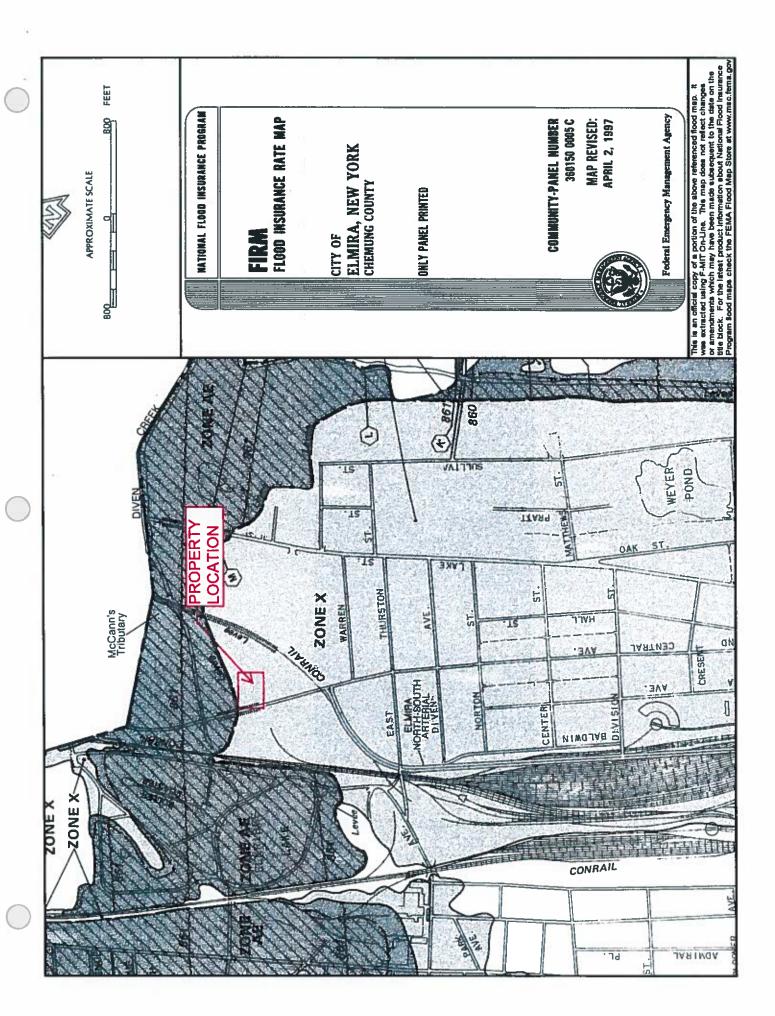
Short Environmental Assessment Form Part 3 Determination of Significance

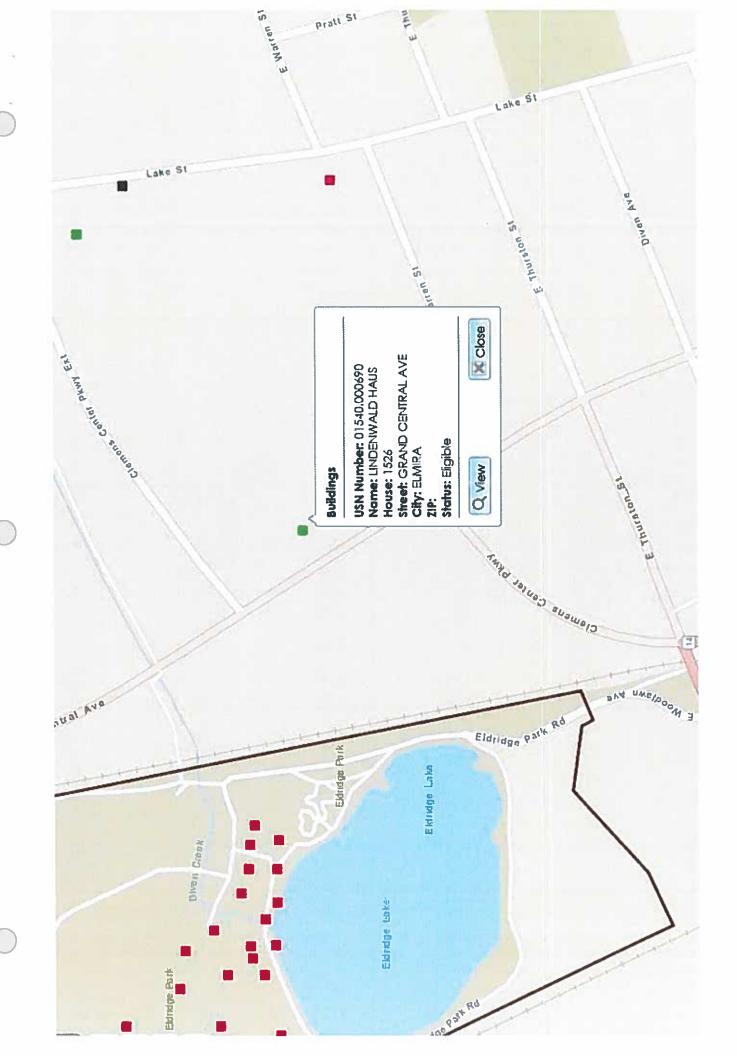
For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify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

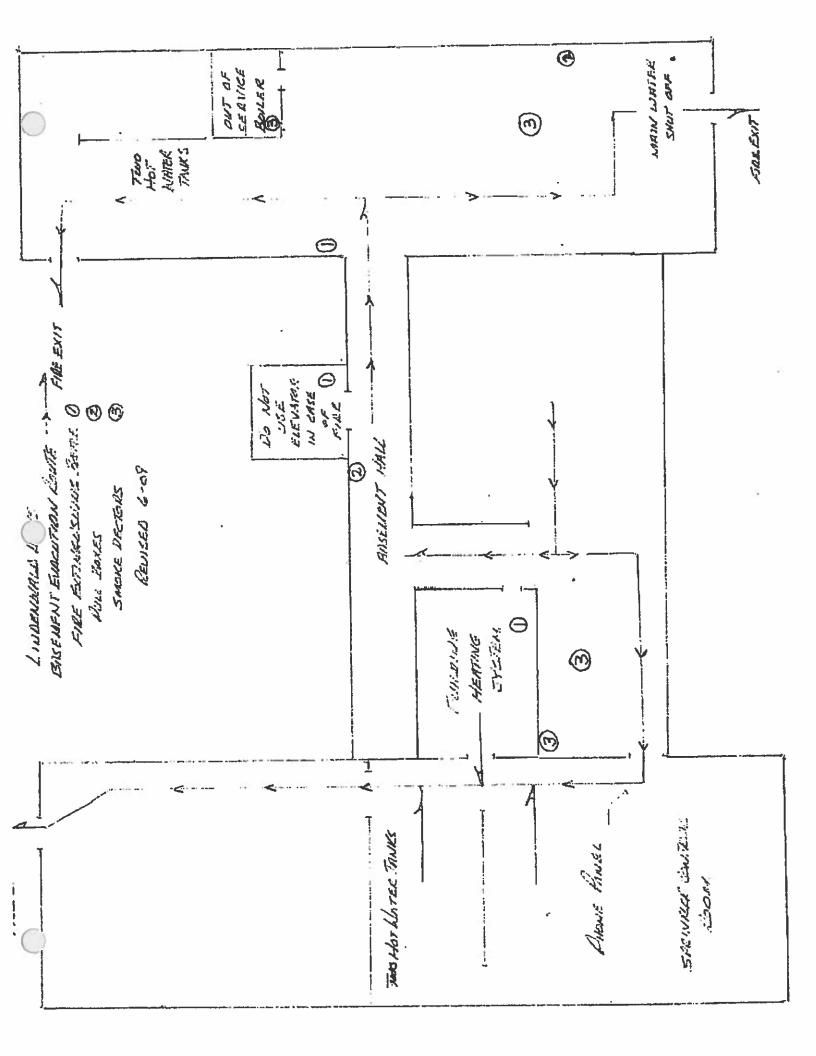
Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.				
Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.				
Name of Lead Agency	Date			
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer			
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)			

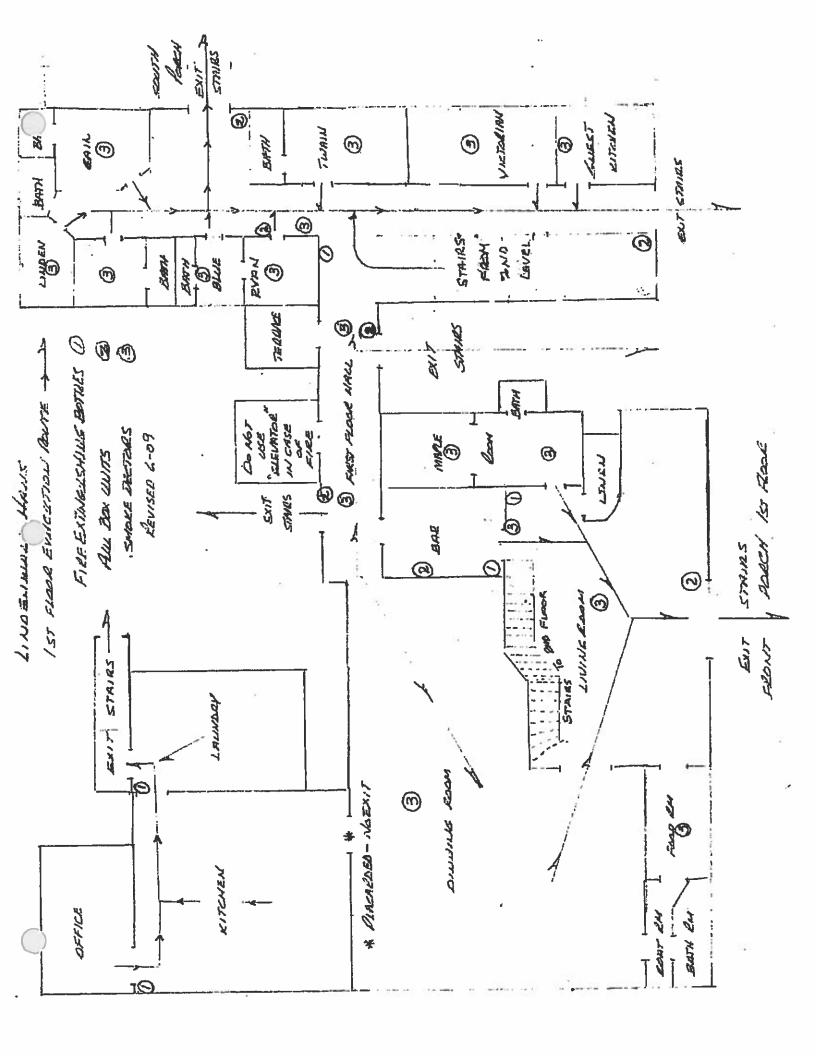
PRINT FORM

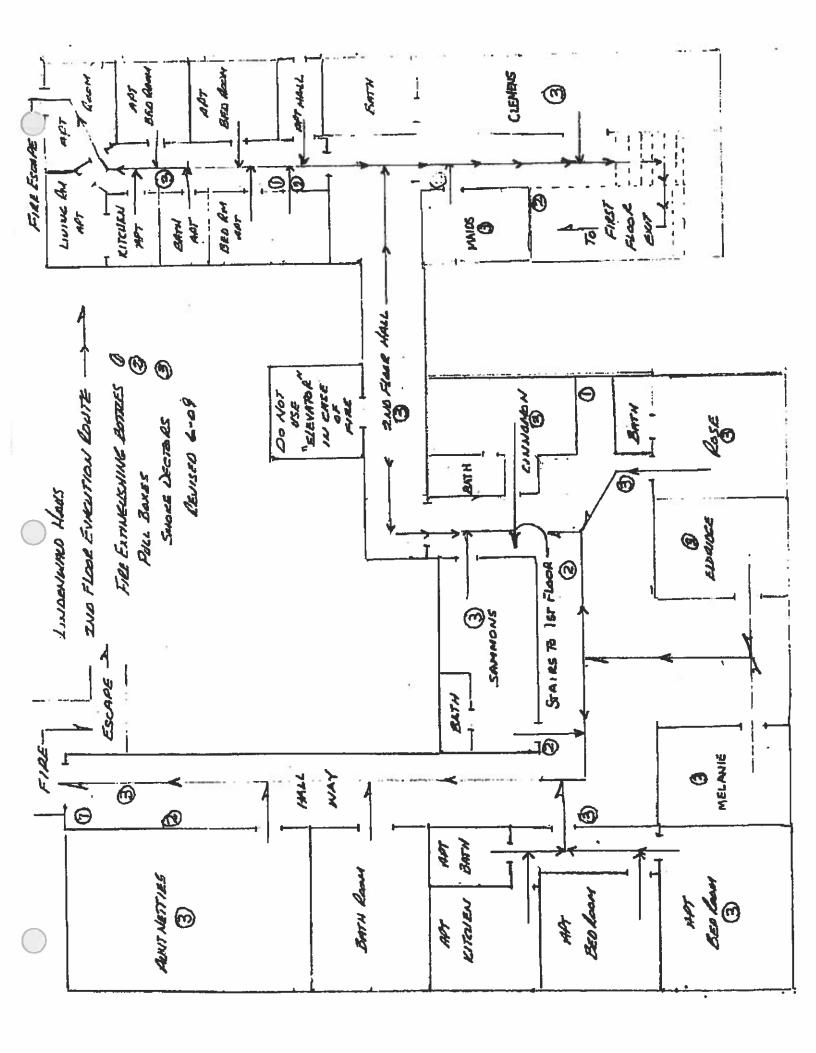














Rev. 05/04/2017

PURCHASE AND SALE CONTRACT FOR REAL PROPERTY



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

First Air AGS Inc.	Johnny Mei on behalf of Sun Invest Rental LLC
SELLER(S)	BUYER(8)
1. PROPERTY DESCRIPTION:	
PROPERTY LEGAL ADDRESS 1526 Grand Central Ave.	Elmira STATENY ZIP14901 Number /
Street / Town (No PO Boxes)	
IN TOWN, VILLAGE, CITY OF Elmira	COUNTY Chemung
Also known as TAX MAP# 79.14-1-11	DEED, LIBER, PAGE, including all
buildings and any other improvements and all rights which SELLER has in	or to the property.
Approximate Lot Size: 576 x 902 x irr Acres: 5.39	Check if Applicable: more detailed description attached. Description
of Buildings on Property:	
2. PRICE AND HOW IT WILL BE PAID: The purchase price in BUYER shall receive credit at closing for any deposit made in the party of the purchase price in BUYER shall receive credit at closing for any deposit made in the party of the purchase price in the purchase p	nereunder. The balance of the punchaparance shall be paid as follows: BUYER states that no financing is needed to complete this transaction.
herein. At closing, SELLER agrees to credit BUYER \$ actual closing costs (including: loan origination or discount fe	required by BUYER'S lending institution, except as may be set forth percent of selling price, toward BUYER 'S ess, mortgage application fee, mortgage tax, deed and mortgage lee, credit report and lender's attorney's fee, pre-payables and escrow)
form of CHECK deposit same at VISIONS FEDERAL CREDIT UNION not accepted. If the contract does not close for any other res to release the funds, entered into by both parties. In the eve to whom the deposit(s) are to be paid, the escrow agent is to until a Court determines the rights to the funds. In such eve claims to the deposits. The perties consent to the jurisdictio such action and waive rights to a jury trial in any such action of either party shall be sufficient to allow the release of escro commences such action within One Hundred Eighty (180) or by written notice to either party (written notice to be by the B shall be released by the escrow agent to the Buyer, and the the deposit(s). The escrow agent will not be liable for any an event that disbursement is not made at the time or is delaye for so long as an action is pending for the determination of or	Ince of offer has delivered at time of this offer \$2500.00 in the Broker Office) escrow agent, who shall (bank). The deposit will be refunded to BUYER if this contract is ason, the escrow money may be released pursuant to a written agreement ent of a dispute between the parties as to the release of the deposit(s) or or retain the deposit(s) until the parties enter into a written agreement, or ent, either party may commence an action to determine the validity of any on of any court in the county in which the premises are located for any on . The parties agree that a Judgment from a small claims court in favour ow funds to that prevailing party. In the event that neither party alendar days from the date the Purchase and Sale Contract is terminated Buyer and for their attorney or the Seller and/or their attorney)., the funds a escrow agent will have no further obligation to any party with respect to mount greater than the actual amount of said deposit to any party in the claims to the deposit(s) and the plaintiff in said action has notified the in. The release of the deposit(s) as set forth herein shall not prejudice the lings.
	ge 1 of 5 s. Purchase Offer

5. C(ONTINGENCIES: BUYER makes this offer subject to the following contingencies. With reasonable notice, SELLER agrees to low BUYER and for their agents or employees access to the property for the purpose of satisfying these contingencies.
	(a) MORTGAGE CONTINGENCY: (Also see Paragraph 3) This offer is subject to BUYER(s) obtaining a Commercial mortgage loan in an amount not to exceed \$
	(b) WATER AND/OR SEPTIC INSPECTION: Seller shall furnish and pay for the following tests and inspections in the event that the property is not connected to public water lines and/or public sewer lines, the results of which shall meet local standards and be provided prior to closing. (Additional water test required by Buyer and/or Buyer's mortgage lender will be at the buyer's expense.)
	A water test from a qualified lab to be completed within sixty days prior to closing showing that the water has been tested for total coliform and meets the State Sanitary Code requirements.
	Certification from a qualified inspector showing that the septic system appears to be in proper working order by dye test prior to any pumping.
	A document showing proof that the septic system has been pumped within the past months with documentation of visual inspection.
	A water flow test
	Other
	(c) PROPERTY INSPECTION CONTINGENCY: SELLER agrees to have all utilities in service at the time of the BUYER'S inspection. BUYER at BUYER'S expense, reserves the right to retain a New York State Licensed Home Inspector, Architect, or Engineer to make the following inspections to determine if there are any MAJOR defects: (check inspections desired) I structural Pelectrical plumbing Pheating Pradon pest infestation Plead other (specify) Any other recommended by NYS Licensed Home Inspector, Architect, or Engineer
	The term "MAJOR defects" as used herein shall mean any individual defect which will reasonably cost over \$2500.00 to correct. This contingency shall be deemed waived unless BUYER notifies (seiter, seiter's agent, seller's attorney) of a MAJOR defect and provides therewith a written estimate by a qualified or certified contractor of the cost of repairs of such MAJOR defect within 20 banking days after the acceptance and delivery of this offer. Within 5 banking days of receiving the written estimates by a qualified or certified contractor of the cost of repairs, SELLER may elect to: (1) have the MAJOR defects repaired or corrected to the Buyer's satisfaction with all work to be completed 5 days prior to closing, (2) agree to give BUYER a credit at closing in the amount of the written estimate of the cost of repairs, or (3) not repair or correct the defects, nor give a credit to BUYER at closing. In the event that SELLER will not repair or correct the defects, nor give a credit to buyer at closing, then BUYER may with written notice to SELLER, proceed to closing or declare this contract null and void with all earnest money deposit returned to the BUYER.
	(4) PROPERTY INSPECTION CONTINGENCY ITEM(4) IS HEREBY WAIVED: BUYER'S initials
	(e) SALE CONTINGENCY: This offer is contingent upon BUYER securing a contract, not contingent upon another property being sold, for the sale of his/her property located at
	then either BUYER or SELLER may cancel this contract by written notice to the other. If SELLER receives another acceptable purchase offer, SELLER may notify BUYER in writing that SELLER wants to accept the other offer and BUYER will then have () banking days to remove this sale contingency by written notice to SELLER. If BUYER does not timely remove this contingency by such notice to SELLER, BUYER'S rights under this contract shall end and SELLER shall be free to accept the other purchase offer.
V	(f) OTHER CONTINGENCIES: This offer is contingent upon buyers review and written acceptance of an inspection of the
	fire sprinkler system. Also contingent upon buyers review and written acceptance of zoning verification for intended
	usage within 10 banking days of accepted offer. Also contingent upon property NOT requiring flood insurance.
V	Page 2 of 5 ECBOR Res. Purchase Offer Page 2 of 5 ECBOR Res. Purchase Offer Date Date Date

	6. OTHER ITEMS INCLUDED IN THE PURCHASE: The following items, if any, now in or on the property and owned by the SELLE are included in this purchase and sale: All heating, plumbing, lighting fixtures, flowers, shrubs, trees, window shades, venetian blinds, curtain and traverse rods, storm windows, storm doors, screens, awnings, TV antenna, water softeners, sump pumps, window boxes, mall box, tool shed, fences, wall to wall carpeting and runners, exhaust fans, hoods, garbage disposal, electric garage door opener and remote control devices, intercom equipment, security systems, smoke detectors, carbon monoxide detectors, all fireplace screens and enclosures, swimming pool and all related equipment and accessories, all built-in cabinets an mirrors, and built-in items such as stoves, ovens, dishwashers, trash compactors, shelving, and air conditioning (except window) units. Other items to be included in the sale are:					
		SELLER has good title to all of the above items. All items included in the purchase are to be in working order at time of closing EXCEPT: NO EXCEPTIONS				
		Items NOT included are:				
	7.	CLOSING DATE: The transfer of title to the BUYER shall take place on or about 09/30/2019 at the office of the BUYER'S attorney or at such place as shall be mutually agreed upon by BUYER and SELLER.				
	8.	BUYER'S POSSESSION OF PROPERTY: BUYER shall have possession of the property at closing. At time of possession, the premises shall be in broom clean condition, vacant, with the exception of agreed upon tenants, free of debris and personal property not included in the sale. At closing, SELLER shall deliver to BUYER all garage door openers, keys for the premises, and provide security codes for any security systems. Until closing, SELLER shall perform ordinary lawn and landscape maintenance and snow removal.				
)	9.	 TITLE DOCUMENTS: SELLER shall provide the following documents in connection with the sale: (a) DEED: SELLER will deliver to BUYER at closing a properly signed and notarized Warranty Deed with lien covenant (or Executor's Deed, Administrator's Deed or Trustee's Deed, if SELLER holds title as such). (b) ABSTRACT AND TAX SEARCHES. SELLER will furnish and pay for and deliver to BUYER or BUYER'S attorney at least 10 days prior to the date of closing, abstract of title, tax and title searches, dated or redated reasonably close to the closing date. (c) SURVEY MAP: SELLER will furnish, pay for and deliver to BUYER or BUYER'S attorney at least 10 days prior to closing, an instrument survey map dated or redated after the date of this contract. BUYER will accept the existing survey of the property if acceptable to the lender and if accompanied by the SELLER'S affidavit of no change. (d) CERTIFICATE OF OCCUPANCY: If required by the municipality. 				
	10	MARKETABILITY OF TITLE: The deed and other documents delivered by SELLER to BUYER shall be sufficient to convey good marketable title in fee simple to the property free and clear of all liens and encumbrances except as set forth herein. However, BUYER agrees to accept title to the property including, Not including mineral and gas rights agreed to in attached addendum, and subject to restrictive covenants of record common to the tract or subdivision of which the property is a part, provided these restrictions have not been violated, or if they have been violated, that the time for anyone to complain of the violations has expired. BUYER also agrees to accept title to the property subject to public utility easements as long as those easements do not interfere with any buildings now on the property or with any improvements BUYER may construct in compliance with all present restrictive covenants of record and zoning and building codes applicable to the property. SELLER shall furnish an affidavit of title.				
	11	LOBJECTIONS TO TITLE: If BUYER raises and delivers to SELLER a valid written objection to SELLER'S title that the title to the property is unmarketable, SELLER shall have five business days to notify BUYER that SELLER will either cure the objection prior to closing or that SELLER is unable or unwilling to cure said objection. In the event SELLER notifies BUYER that SELLER is unable or unwilling to cure said objection, BUYER shall have five days to cancel this agreement upon notice to SELLER and this agreement shall thereupon be deemed canceled, null and void, and all deposits made hereunder shall be returned to BUYER. In the event that BUYER falls to notify SELLER within five business days of receipt of SELLER'S notice that he/she will not cure, BUYER shall be deemed to have waived his/her right to cancel this agreement as a result of said objection to SELLER'S title.				
	12	12. RECORDING COSTS, MORTGAGE TAX, TRANSFER TAX AND CLOSING ADJUSTMENTS: SELLER will pay the real property transfer tax, the filing charge for the Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate and Certification and special additional mortgage recording tax, if applicable. BUYER will pay mortgage assumption charges, if any, and will pay for recording the deed and the mortgage, and for mortgage tax, and for equalization and assessment filing fees. Rent payments, if any, all heating and general use fuels, if any, water charges, sewer charges, mortgage interest, deferred FHA insurance premium,				
	/ [Page 3 of 5 Seller's Initials Page 3 of 5 ECBOR Res. Purchase Offer Seller's Initials Date Date				

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

13. RISK OF LOSS: Risk of loss or damage to the property by fire or other casualty until transfer of title shall be assumed by SELLER. If damage to the property by fire or such other casualty occurs prior to transfer, and if BUYER does not cancel but elects to close, then SELLER shall transfer to BUYER, any insurance proceeds, or SELLER'S claim to insurance proceeds payable for such damage. 14. CONDITION OF PROPERTY: BUYER has inspected the property included in this sale and is thoroughly acquainted with its condition. BUYER agrees to purchase the property "as Is" and in its present condition subject to reasonable use, wear, tear, and natural deterioration between now and the time of closing. SELLER shall have the utilities in service at the time of mortgage lender's appraisal-inspection. BUYER shall have the right to inspect the property within 48 hours of the date of closing with all utilities in service. If BUYER fails to notify SELLER or SELLER'S attorney in writing of any unsatisfactory condition prior to closing, any objections by BUYER shall be deemed waived. 18. SERVICES: SELLER represents that the property is serviced by: Public Water, Lake Water, Spring, Private Well, Public Sewer, Private Sewage/Septic System, Buried Petroleum Storage Tank(s). 16. BROKERAGE AND REAL ESTATE COMMISSION: The parties agree that RE/MAX ADVANTAGE selling Broker brought about this sale and is a Buyer's Agent Seller's Agent, Dual Agent Broker's Agent working for the Buyer Seller, and SELLER agrees to pay the Broker's Commission as agreed to in the listing agreement unless other fully written and disclosed arrangements for payment of the Selling Broker's Brokerage Commission are made for by the BUYER. SELLER may apply any deposit made by the BUYER and held by Broker(s) to SELLER'S obligation to pay the entire commission. 17. RESPONSIBILITY OF PERSONS UNDER THIS CONTRACT: If more than one person signs this contract as BUYER, each person and any party who takes over that person's legal position will be responsible for keeping the promises made by BUYER in this contract. If more than one person signs this contract as SELLER, each person or any party who takes over that person's legal position, will be fully responsible for keeping the promises made by SELLER. 18. ENTIRE CONTRACT: This contract when signed by both BUYER and SELLER will be the record of the complete agreement between BUYER and SELLER concerning the purchase and sale of the property. No verbal agreements or promises will be binding on either BUYER or SELLER unless they are put in writing, and signed by both BUYER and SELLER. By signing this offer SELLER agrees to sell and BUYER agrees to buy the property described in this Purchase and Sale Contract. 19. NO ASSIGNMENT: This Contract may not be assigned by BUYER without the prior written consent of the SELLER to each instance and any purported assignment(s) made without such consent shall be void. Dami Domi. 20. LIFE OF OFFER: This offer shall expire on 07/11/2019 at 8:00 21. ADDENDA: The following Addenda are incorporated into this contract as indicated; if applicable, copy(s) must be attached: FHA ADDENDUM: Amendatory Clause/Real Estate Certification/Condition of Property FHA INSPECTION DISCLOSURE: "For Your Protection, Get a Home Inspection" FHA or VA REQUIREMENT CONTINGENCY: Addendum Page, Item "C" PROPERTY IS A MULTI-FAMILY DWELLING: Addendum Page, Item "D" SELLERS DISCLOSURE TO BUYER (Electric Availability/Utility Surcharge/Agricultural District/Uncapped Gas Well) LEAD BASED PAINT DISCLOSURE: (If the Residential dwelling was constructed prior to 1978, BUYER and SELLER must complete, sign and attach a fully executed Disclosure to this contract.) 1031 TAX FREE EXCHANGE: This is a 1031 Tax Free Exchange OiL/GAS/MINERAL/TIMBER RIGHTS ADDENDUM OTHER 22. SELLER'S PROPERTY CONDITION DISCLOSURE: Purchaser(s) of residential real property are entitled by NYS law to receive from seller a signed Property Condition Disclosure Statement as prescribed by Real Property Law 462(2), prior to signing a binding contract. In the event that SELLER fails to deliver said Statement, BUYER is entitled to receive a credit of \$ 500.00 against the purchase price upon transfer title. (See section 463 of the Real Property Law for exempted properties) BUYER acknowledges that (s)he has, has not, received a Seller's Property Condition Disclosure Statement prior to this purchase and sale contract becoming a binding contract of sale. (BUYER'S Initials) becoming a binding contract of sale. 23. OILIGAS/MINERAL/TIMBER RIGHTS PISCLOSURE: BUYER acknowledges that (s)he has received an Oil/Gas/Mineral/Timber Rights DISCLOSURE prior to this purchase and sale contract becoming a binding contract of sale.

A copy of DISCLOSURE is attached. (BUYER'S Initials) A copy of DISCLOSURE is attached. (BUYER'S Initials)

> Page 4 of 5 ECBOR Res. Purchase Offer

Date

Rev. 05/04/2017

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

This offer is contingent upon approval by BUYER'S and SELLER'S attorney as to all matters without limitation. Unless Attorney's written disapproval is received by the parties' respective attorneys, with notification to the BUYER'S and SELLER'S Brokers, within 3-1 banking days after the acceptance of this offer, this contingency shall be deemed to have been satisfied.

ij	SIGNATURE(S) OF BUYER(S):	
	DATED:	BUYER: Strong Microbiology Since Parent Restable 1979-1989 Page 1984-1984
	WITNESS:	BUYER:
	ACCEPTANCE OF OFFER BY SELLER(S): SELLER certifies that he/she owns the property and has the pow the terms and conditions set forth above.	ver to sell the property. SELLER accepts the offer and agrees to sell o
	VOATED:	SELLER:
	WITNESS	SELLER:
	Listing Broker: Howard Hanna Elmira	Selling Broker: RE/MAX ADVANTAGE
	R.E, License Number(s): 10391201306	R.E. License Number(s): 10991214703
	Address:	Address: 2898 WESTINGHOUSE ROAD STE 528
	Zip	HORSEHEADS, NY Zip 14845
	Phone: (607) 733-2700 Fax	Phone: 607-358-7311 Fax N/A
-	Listing Agent:Arthur D. Ambrose	Seiling Agent: JONATHAN M. LERCHE
	R.E. License Number(s):30AM1081022	R.E. License Number(s): 10371201005
	Email address: artambrose@howardhanna.com	Email address: JONATHAN.LERCHE@REMAX.NET
	Phone: (607) 738-8900	Phone: 607-857-9034
	ADMINISTRAT	TVE INFORMATION
	Property Mailing Address 1526 Grand Central Ave.	Elmira Zip 14901 MLS #256147
	Setter: First Air AGS Inc.	Buyer: Johnny Mei on behalf of Sun Invest Rental LLC
	Majiling Address: One Profress. 10 Drive	Mailing Address:
	KityState: HOTSelleads Zip 14/845	City/State: Horseheads, NY Zip 14845
	Figne: 607-731 -9939	Phone: 9288210993
	Email address: TFreeman Q 5 to y . RR. con	Email address: johnnymei@hotmail.com
	Attorney: CHris Denton	Atterney: Steve Agan
	Address:	Address:
	City/State: Zip	City/State: Zip
	Phone: Fax	Phone:Fex
	Email address:	Email address:
`		e 5 of 5 Purchase Offer Strowns Strowns Full Perchases Date

RESOLUTION

NO. 19-12-04

Motion by Boardmember Shaffer to refer the applications for a use variance for apartments/dormitory, restaurant, and bed and breakfast at 1526 Grand Central Avenue to the Chemung County Planning Board, pursuant to Section 1030 of the Zoning Ordinance of the City of Elmira and Sections 239(1)&(m) of the New York State General Municipal Law.

Seconded by Boardmember McCarthy.

WHEREAS, this matter concerns applications by Johnny Mei requesting the granting of a use variance for apartments/dormitory, restaurant, and bed and breakfast at 1526 Grand Central Avenue, Elmira, NY; and

WHEREAS, this matter is a County Planning Board Referral;

NOW, THEREFORE, BE IT

RESOLVED, that the Elmira City Zoning Board of Appeals hereby refers the application and request by Johnny Mei for a use variance for apartments/dormitory, restaurant, and bed and breakfast at 1526 Grand Central Avenue, Elmira, NY to the Chemung County Planning Board, pursuant to Section 1030 of the Zoning Ordinance of the City of Elmira and Sections 239(l) & (m) of the New York State General Municipal Law.

VOTE

AYES		NAYS
X	BOARDMEMBER WICH	
X	BOARDMEMBER SHAFFER	
	BOARDMEMBER WILCOX	ABSENT
X	BOARDMEMBER MCCARTHY	
	BOARDMEMBER TOBIN	ABSEND

12/3/19