



City of Elmira New York

Code Enforcement Dept.
101 W. Second St
Elmira, NY 14901
<http://www.cityofelmira.net>

Zoning Board of Appeals Application Instructions

1.A. For all major projects, the applicant **MUST** participate in one or more Pre-Application Conference(s) prior to an appearance before the Zoning Board of Appeals. (110.76.1 "Major Project" shall mean a specific plan, design or planned undertaking determined by a representative of the City of Elmira Bureau of Inspection Services which requires Planning Commission or Zoning Board of Appeals action & approval including, but not limited to, new industrial, commercial or residential construction, subdivisions or business expansion, as well as any project requiring a special permit or variance. In addition, fencing & plantings in a junkyard, as defined in section 452 of the Zoning Ordinance, shall be considered Major Projects.)

1.B. pre-application meeting fee is \$100.00 per meeting.

2.A. All applicants **MUST** attend the Zoning Board of Appeals meeting.

2.B. The Zoning Board of Appeals meets on the FIRST Tuesday of the month at 4:30pm in the courtroom on the second floor at City Hall, 317 E. Church St, Elmira, NY 14901.

3. Applications for an Appeal or Variance **MUST** be received by the Clerk at the Code Enforcement Dept. no later than 12:00 Noon, on the 20th of each month or the next business day of the 20th of the month falls on a Saturday, Sunday or Federal Holiday, prior to the Zoning Board of Appeals meeting date. Failure to meet the deadline will result in no placement on the agenda for the following meeting. If you are submitting prints or attachments with your application, please provide 8 ½ X 11 size only and one (1) full size set for the Director of Code Enforcement.

4. Application must be complete with all necessary information, including, but not limited to:

1. Name of applicant with legal address & relationship to the property.
2. Name & address of the property owner.
3. Reason for request.
4. Lot size square footage, length, width, frontage and location of any existing structures.
5. Name & address of applicant's attorney (if applicable).
6. Specific Zoning Ordinance sections in question.

7. If application is for a special permit, the following **MUST** be included if applicable:

A. Survey

B. A plan showing:

1. Building location, existing & proposed

2. Parking areas (if any)

3. Curb cuts, existing or proposed

4. Landscaping

5. Drainage

6. Traffic access & circulation

7. Open spaces

8. Height & number of buildings

9. Such other information required in the standards for each special permit use as set forth by ordinance.

City of Elmira Code Enforcement: CPC/ZBA Application

C. Building elevations & floor plans

D. Site lighting proposed

E. Signage proposed

5. Environmental Assessment Form: one of the two below **MUST** be completed

A. Short form (available on Pg 5 & 6 of the application)

B. Long form (available online at <http://www.dec.state.ny.us>)

6. When completing the application, please use **BLUE** or **BLACK INK** or complete this application online at <http://www.cityofelmira.net>

Forms may be filled out online & printed for submission to the Clerk at the Code Enforcement Department.

7. Please be sure to fill in all necessary information on the ZBA Application. Failure to provide all the details of the proposed request could result in your application being tabled until the next regularly scheduled meeting date.

8. A \$125.00 application fee is required for all applications for the Zoning Board of Appeals. This fee also covers the cost of the legal advertisement, which is placed by the City of Elmira.

9. If a variance is requested, the appellant shall send notice of same to all property owners within two hundred (200') from the boundaries of the lot or lots under consideration. Such notice shall be by mail & shall state the time & day of the public hearing, the relief sought, the type of use contemplated, the appellant's name & location of the property in question. Such notices shall be mailed so as to arrive at least five (5) days prior to the public hearing date. On

or before the date & time of the public hearing, the appellant or his/her agent shall certify, in writing, in a notarized affidavit to the board that he/she has complied with the said mailing requirement as described herein. At the discretion of the board, failure to mail notices or submit the affidavit may result in adjournment of the hearing or denial of the application.

10. Mail or bring your completed application and \$125.00 application fee to:
City of Elmira Code Enforcement Department
101 W. Second St Elmira, NY 14901



City of Elmira
Code Enforcement Department
<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 and Interest

I (We) _____
Name of Applicant
of _____
Street #

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. Change from one Nonconforming Use to another
- ☐ 5. Other:

B. Location of Property

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

2. current zoning classification _____ (Available from Code Enforcement)
3. tax map # _____ (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. General Data

1. Current Use _____ Proposed Use _____

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: _____ D. Curb Cut Permit Required: ☐ Yes ☐ No

5. Type of Non-Residential Use (if any)

6. Lot Size A. Length: _____ Ft.

B. Depth: _____ Ft.

C. Area: _____ Square Ft.

(A and B available from Assessor's Office)
(607) 737-5670

7. Building Information

A. Number of Stories: _____

B. Floor area per story in square feet: (Available from the Assessor's Office)
(607) 737-5670

Basement: _____ First Floor: _____ Second Floor: _____ Third Floor: _____

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:

10. Name and Address of Attorney:

D. Request

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

1. Provisions of the Zoning Ordinance:

Section: _____

Concerning: _____

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

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

A. Strict applications of the Ordinance would produce Undue Hardship because:

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

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:

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. 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: _____

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

_____ day of _____,
(month) (year)

(Notary Public)

Applicant's Signature

Applicant's Address

Applicant's Phone Number

← **THIS FORM MUST BE NOTARIZED**

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☐ ☐	N/A ☐ ☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☐	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☐	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? 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 proposed action?	NO ☐ ☐ ☐	YES ☐ ☐ ☐	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO ☐	YES ☐	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO ☐ ☐	YES ☐ ☐	
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? 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: _____ _____ _____	NO ☐ ☐	YES ☐ ☐	

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 Federal government as threatened or endangered?	NO ☐	YES ☐
16. Is the project site located in the 100-year flood plan?	NO ☐	YES ☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? ☐ If Yes, briefly describe:	NO ☐ YES ☐ 	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)? If Yes, explain the purpose and size of the impoundment:	NO ☐	YES ☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO ☐	YES ☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO ☐	YES ☐
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

PRINT FORM

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?	☐	☐

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

Notice of Hearing Information

1. Publication of legal notice will be placed in the Elmira Star-Gazette by the City of Elmira.
2. The applicant must mail the Notice of Hearing letter attached hereto so that it arrives to owners of real property located within two hundred (200) feet from the boundaries of property in question five (5) days prior to the date of the Zoning Board of Appeals meeting. A list of the property owners within two hundred (200) feet will be provided to the applicant by the City.

AFFIDAVIT REQUIRED

The Appellant shall file with Code Enforcement one copy of the letter of notification to property owners together with a **NOTARIZED** affidavit setting forth a certification that the letter of notification to property owners was mailed to the individuals listed in affidavit, and a further certification that they are all owners of real property within two hundred (200) feet from the boundaries of the lot or lots for which the consideration and/or action of the Zoning Board of Appeals is requested.

NOTE: The Notice of Hearing mail should be done no later than one (1) week prior to the Zoning Board of Appeals meeting (required to be received five (5) days prior to the date of the Zoning Board of Appeals meeting). In addition to the mailing, the applicant must return the "Affidavit of Mailing" prior to the Zoning Board of Appeals meeting. The Affidavit may be returned to:

City of Elmira Code Enforcement Department
101 W Second Street
Elmira NY 14901

If you have any questions, please contact the Code Enforcement Department at (607) 737-5653.

AFFIDAVIT OF MAILING

I, _____, certify that a true copy of the attached letter was mailed to the persons whose names appear below, and I further certify that they are all the owners of real property within two hundred (200) feet from the boundaries of the lot or lots known as:

STATE OF NEW YORK)
COUNTY OF CHEMUNG) ss:

Applicant's Signature

Sworn to before me this

Applicant's Address

_____ day of _____, _____
(month) (year)

Applicant's Phone Number

(Notary Public)

← THIS FORM MUST BE NOTARIZED

ZONING BOARD OF APPEALS

CITY OF ELMIRA, NEW YORK

<http://www.cityofelmira.net>

A public hearing before the Zoning Board of Appeals of the City of Elmira, New York, will be held in the City Hall Court Room, City Hall, Elmira, New York, on the _____ day of _____, _____, at 4:30 o'clock in the P.M.

The purpose of this hearing will be to consider comments from the public concerning the application of _____ regarding property at _____, Elmira, New York. This applicant is requesting a _____ from the Zoning Ordinance* to allow the following changes concerning the above mentioned property:

The above applications and supporting papers are open to inspection in the Code Department, 101 W. Second Street, Elmira, New York. Persons wishing to appear at such hearing may do so in person or by attorney or other representative duly designated. Communications in writing which relate thereto may be filed with the Code Department, 101 W. Second Street, Elmira, New York, 14901.

Signed: _____

Dated: _____

*The full text of the Zoning Ordinance is available online at <http://www.cityofelmira.net/permits>