

AREA VARIANCES:

An Area Variance is an authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

The Board of Appeals shall balance the benefit to the applicant with detriment to health, safety & welfare of the community. The Board of Appeals must consider the following five (5) factors:

1. Whether an undesirable change will be produced in the character of the neighborhood 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 variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

USE VARIANCES:

A Use Variance is an authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

To allow a use not otherwise allowed in zoning, an applicant must demonstrate to the Board of Appeals *unnecessary hardship*. Such demonstration includes all of the following, for each and every permitted use:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
3. The requested variance, if granted, will not alter the essential character of the neighborhood.
4. The alleged hardship has not been self-created.

The Board of Appeals must also consider the effect of the grant of the Use Variance on the zoning law itself.

INTERPRETATIONS:

The Zoning Board of Appeals is authorized to reverse or affirm, wholly or partly, or to modify decisions appealed to it. In order for this power to be exercised, an applicant must appeal a specific decision taken by the Code Enforcement Officer (i.e. the granting or denial of a building permit, citation of a zoning violation, or issuance of a stop work order pursuant to the zoning law).

NOTICE:

A variance or appeal of any provision of the New York State Uniform Fire Prevention & Building Code shall be in accordance with the provisions of Title 19 NYCRR, titled "Variance Procedures", which is administered by the Secretary of State. The Zoning Board of Appeals cannot hear or decide appeals relative to the Uniform Code.

QUESTIONNAIRE FOR PROPERTY USE APPLICATION

FOR SITE PLAN REVIEW, SPECIAL PERMIT OR VARIANCE

This form is to be completed by individuals who request a site plan review, special permit or variance.

1. If a business:
 - (a) Name under which the business will operate: _____
 - (b) Type of business (i.e. Individual DBA; Corporation; LLC): _____
2. Which room(s) or building(s) and / or part of the land will be used for the activity?

3. Proposed hours of operation:
 - (a) DAYS OF THE WEEK and HOURS OF THE DAY that the business or activity will be open to the public:

 - (b) DAYS OF THE WEEK and HOURS OF THE DAY that the business or activity will be in operation, including times NOT open to the public:

4. How many people do you intend to employ in the conduct of the business or activity? _____
5. What lines of food, products or merchandise will be involved, if any? _____

6. What services will be rendered, if any? _____

7. What will be the manner of displaying vehicles, products or merchandise for sale? _____

8. Will there be any exterior storage or stockpiling of products, equipment or supplies? If yes, describe: _____

9. Will there be any hazardous, flammable or explosive materials or supplies involved in the business or activity? If yes, describe the materials and indicate how they will be stored:

10. What are the proposed vehicle parking accommodations? (Customers, Visitors, Deliveries, Employees)

11. What is the maximum anticipated number of customers or visitors at any one time?

12. What is the maximum number of vehicle trips per hour if shipping products? _____
13. How many deliveries of products / supplies will there be each day? _____

14. Will any machines or chemical processes be employed in the proposed business or activity? If yes, describe:

15. Is the proposed business or activity intended to be seasonal or year-round? _____

16. Describe any and all proposed signs / advertising: _____

17. Describe the exterior lighting of parking areas, access drives, building entrances, signs, walkways, etc. Describe the number, type and location of lighting fixtures:

18. If the business or activity is located near residences, what are the proposed methods of screening / buffering the business use or activity from the residential area (including parking, dumpsters, etc.)?

19. What are the proposed methods and locations of storing and disposing of waste material (garbage, scrap, grease, waste oil, hazardous waste, recyclables, animal waste, etc.)?

20. Will food be served to any of the customers or visitors? If yes, please describe:

Please include any other information that you feel will help the Planning and / or Zoning Board(s) understand your application:

