

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:

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? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p>N/A</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	<p>NO</p> <p><input type="checkbox"/></p>		<p>YES</p> <p><input type="checkbox"/></p>
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	<p>NO</p> <p><input type="checkbox"/></p>		<p>YES</p> <p><input type="checkbox"/></p>
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>		<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>		<p>YES</p> <p><input type="checkbox"/></p>
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>		<p>YES</p> <p><input type="checkbox"/></p>
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>		<p>YES</p> <p><input type="checkbox"/></p>
<p>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?</p> <p>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?</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>		<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>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?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>		<p>YES</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>

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 <input type="checkbox"/>	YES <input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: _____ Date: _____		
Signature: _____ Title: _____		