



Town of Seneca Falls, New York

Office of Code Enforcement & Zoning

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GUIDE FOR APPLICANTS APPLYING FOR A USE VARIANCE

This publication has been written to aid potential applicants in understanding and appreciating the variance process, and to provide an explanation of the rules and standards under which variance decisions of this Town's Zoning Board of Appeals (ZBA) must be made.

What must be proven in order to be granted a use variance?

If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove "unnecessary hardship." To prove this, State law requires the applicant to show *all* of the following:

1. that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted);
2. that the property is being affected by unique, or at least highly uncommon circumstances;
3. that the variance, if granted, will not alter the essential character of the neighborhood; and
4. that the 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.

Must the variance, if granted, be exactly what was applied for by the applicant?

Whether the ZBA decides to grant a use variance, State law requires the ZBA to grant the *minimum variance necessary* to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety and welfare of the community. For these same reasons, the ZBA may also impose reasonable conditions on the grant of any variance.

It shall also be understood that a property owner is not entitled to a use variance simply because the zoning ordinance proscribes the "highest and best" use of his/her land. The ZBA shall not grant a use variance solely on the grant that the variant use will yield a higher return than those permitted by the zoning regulations, or allow the property owner to compete more successfully in the market.

Will the ZBA make a decision the night of the hearing?

Once the hearing is closed, the ZBA may begin discussing the case and reach a decision, or may postpone discussion and/or its decision until a later meeting. If the ZBA deems it necessary, the hearing may be reopened at any time. Once the hearing has been finally closed, the ZBA must make its decision within 62 days.

Application Checklist: Please make ten (10) collated copies of each document, except for the application fee, and submit the application package to the Town's Code Enforcement Officer.

- | | |
|---|---|
| <input type="checkbox"/> Completed application form | <input type="checkbox"/> Site plan / Survey map |
| <input type="checkbox"/> Statement of hardship | <input type="checkbox"/> Environmental Assessment Form (EAF) |
| <input type="checkbox"/> Application fee | <input type="checkbox"/> Construction drawings for proposed project |
| <input type="checkbox"/> Agricultural Data Assessment | <input type="checkbox"/> Competent Financial Evidence |

AREA VARIANCE REQUEST

USE VARIANCE REQUEST

**The following must be included in each packet
in order for a hearing and appeal to take
place.**

- 1. \$50.00 check made out to Town of Seneca Falls**
- 2. Zoning Permit for denial purpose giving the right to appeal**

PROCEDURE FOR PETITION FOR VARIANCE

1. Apply for Zoning Permit. If denied, a written Petition for a Variance must be submitted to the Town Clerk Within 45 days with a filing fee of \$50.00 (made payable to Town of Seneca Falls).

2. Petition for a Variance should contain the following:

- a. Name and address of the appellant.
- b. Name and address of the owner of the lot to be affected by such proposed appeal.
- c. Description and location of the lot to be affected by such proposed appeal. Also, copy of tax map which can be obtained from the Town Assessor.
- d. Statement of the present zoning classification of the lot in question, the improvements thereof, and the present use thereof.
- e. A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof.
- f. A sketch plan (plot plan) of the real property to be affected, indicating the location and size of the lot and the size of any improvements thereon or proposed to be erected.
- g. Petition must contain sufficient allegations to comply with the relief requested depending upon the type of relief sought, i.e. use or area variance. This information should be sufficiently complete to meet the burden upon the Petitioner to convince the appropriate Board that the relief requested may legally be granted pursuant to the process.
- h. Petition must have proper verification and must be signed and notarized.
- i. Short Environmental Assessment Form, Part 1 must be completed and submitted with the Variance Application.

3. The Town Clerk will submit the Petition for a Variance to the Seneca County Planning Board for their review and recommendation. Use Variances will also be submitted to the Town Planning Board for review.

4. After review by the Seneca County Planning Board, the Zoning Board of Appeals will hold a Public Hearing within 45 days. Notice of this Public Hearing will be advertised in The Reveille at least 5 days prior to the Hearing, and all property owners within 500 feet of the property will be notified by mail.

5. If Variance is granted, one must apply for a new Zoning Permit.

If you have any questions, call the Town Clerk (315-568-8013)



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AUTHORIZED REPRESENTATIVE FORM

WHEN TO USE THIS FORM: *This Authorized Representative form is enclosed if the owner wants to authorize someone to represent him/her/they at the public meeting and hearing. Please complete this form and submit it to this Town's Code Enforcement Officer. Lastly, the owner is responsible to notify his/her/their representative of the time and place of the public meeting and hearing.*

Owner's Name: _____

Owner's Address: _____

Owner's Telephone No.: _____

Representative's Name: _____

Representative's Address: _____

Representative's Telephone No.: _____

The Owner hereby permits the Authorized Representative to act on his/her/their behalf regarding an application submitted to the Town of Seneca Falls, New York. Such Owner also authorizes this Town to release any or all information relating to this application to this Authorized Representative.

Owner's Signature: _____

Date of Signature: _____

STATE OF NEW YORK)

SS.:

COUNTY OF)

On this _____ day of _____, 20____, before me personally came _____, to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same.

 Notary Public

Town of Seneca Falls, N.Y.

APPLICATION FOR ZONING PERMIT

** Incomplete Applications will not be processed - - please fill out completely*

NOTE: A Seneca County **BUILDING** Permit may be required before beginning work

DATE _____
 OWNER NAME _____
 LOT ADDRESS _____
 PHONE NO. _____
 TAX MAP NO. _____
 PROJECT COST _____
 CONTRACTOR _____

Application to:	
<input type="checkbox"/>	Build New Home
<input type="checkbox"/>	Repair
<input type="checkbox"/>	Demolish
<input type="checkbox"/>	Attached Garage
<input type="checkbox"/>	Unattached Garage
<input type="checkbox"/>	Addition
<input type="checkbox"/>	Storage Shed
<input type="checkbox"/>	Roof
<input type="checkbox"/>	Siding, Windows
<input type="checkbox"/>	Fence
<input type="checkbox"/>	Pool
<input type="checkbox"/>	Other

For OFFICE USE ONLY

FEE \$ _____

PERMIT NO. _____

NOTES:

YES NO Is this a Corner lot?
 YES NO Will work affect Drainage Flow?
 YES NO Is Lot in the HISTORIC DISTRICT?

ACTION TAKEN BY ZONING ENFORCEMENT OFFICER

	Approved <input type="checkbox"/>
	Denied <input type="checkbox"/>

Reason for Denial:

POST ALL PERMITS IN WINDOW THAT IS VISIBLE FROM THE ROAD

INSURANCE

Application is hereby being made to the Zoning Enforcement Officer for the issuance of a Zoning Permit pursuant to the Zoning Ordinances of the Town & Village of Seneca Falls and to Section 57 of the Workman's Compensation Laws of the State of New York. The Applicant agrees to comply with all applicable laws, ordinances and regulations of this Town, Village, County, State and Federal Governments.

PLEASE CHECK the appropriate box and file Certificates of Insurance(s) if required.

- Pursuant to Section 57 of the Workers Compensation Law and Section 220, Subdivision 8 of the Disability Benefits Law, Employers of Labor must submit with this application proof of such coverage. A permit will not be issued without filing of said Certificate of Insurance
- I Hereby Certify that I do not need Workers' Compensation Insurance because I am an individual owner or partner with no employees and not a Corporation.

PROJECT DESCRIPTION

ON THE REVERSE SIDE OF THIS APPLICATION or as AN ATTACHMENT SHOW THE FOLLOWING:

Locate clearly and distinctly to scale all Buildings existing and proposed. Show proposed by dotted lines or color. Show all dimensions of buildings. Show Street Names and adjacent Property Owner names. Indicate NORTH and exact size of lot. Show Building setbacks & heights. Provide one complete set of plans showing proposed construction and specifications. Include a copy of a survey map or tape location map. (Use additional paper if needed)

CERTIFICATION

I hereby certify that I have examined this application and supporting attachments and know the same to be true and correct. All provisions of the laws and ordinances covering this type of work or use will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or Local Law or Ordinance regulating construction or performance of construction.

 SIGNATURE (Applicant/Owner)

617.20
Appendix B
Short Environmental Assessment Form

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	YES
			<input type="checkbox"/>	<input type="checkbox"/>
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:			NO	YES
			<input type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____		acres		
b. Total acreage to be physically disturbed? _____		acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____		acres		
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input 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				

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

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input type="checkbox"/>	<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	YES
_____	<input type="checkbox"/>	<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	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____	Date: _____	
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. 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.

_____ Date

Name of Lead Agency

_____ Title of Responsible Officer

Print or Type Name of Responsible Officer in Lead Agency

_____ Signature of Preparer (if different from Responsible Officer)

Signature of Responsible Officer in Lead Agency

PRINT