

Town of Schroepel

**Zoning Board of Appeals
69 County Route 57A - Phoenix, New York 13135
315- 695-6075**

Procedures and General Information when applying to Zoning Board of Appeals

- Eleven (11) sets of plans including material list.
- * Survey showing where structure will be placed.
- * A \$150.00 filing fee paid before applicant(s) can be heard.
- Must have all paperwork filed with codes office fifteen (15) days before hearing can be heard. (excluding weekends)
- You must supply 11 copies of completed packet to codes office.
- * Names and addresses of all owners within five hundred feet (500') of your Property lines (all sides)

PLEASE READ

The Zoning Board of Appeals has the power to issue interpretations of the Zoning Ordinance and to grant special permits, use variances and area variances. No such relief may be granted unless the applicant has proven his/her case and satisfied the applicable **Standards of Proof**. In other words, the applicant must furnish facts, proof etc. to satisfy those standards. If the proof is insufficient, your case will be denied.

The burden is always on the applicant to prove his/her entitlement of the relief sought. For your help in preparing your case, we have included the relevant **"Standards of Proof"** which you must satisfy. We respectfully, but emphatically call your attention to these specific **Standards of Proof**, because it would be a mistake to anticipate favorable relief from the Zoning Board of Appeals, if you have not proven your case according to these standards.

Any exhibits including maps, surveys, and documents, which you intend to offer into evidence at the hearing must be submitted when you submit your application so each Board Member and Secretary will have them. **No Exhibits will be returned.**

CRITERIA USED FOR DETERMINING AN AREA VARIANCE

01. IS THE REQUESTED VARIANCE SUBSTANTIAL ?
02. WILL AN UNDERSIRABLE CHANGE BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD, OR WILL A DETRIMENT TO NEARBY PROPERTIES BE CREATED BY THE GRANTING OF THE AREA VARIANCE?
03. CAN THE BENEFIT SOUGHT BY THE APPLICANT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE ?
04. WAS THE ALLEGED DIFFICULTY SELF-CREATED ? (A "YES", HOWEVER, DOES NOT IN INSLEF PRECLUDE THE GRANTING OF THE VARIANCE.)
05. WILL A VARIANCE HAVE AN ADVERSE EFFECT ON THE NEARBY PHYSICAL OR ENVORONMENTAL CONDITIONS ?

CRITERIA USED FOR DETERMINING A USE VARIANCE

01. THE LAND IN QUESTION CANNOT YIELD A REASONABLE RETURN IF USED ONLY FOR A PURPOSE ALLOWED UNDER ITS PRESENT ZONING.
02. THE PLIGHT OF THE OWNER IS DUE TO UNIQUE CIRCUMSTANCES AND NOT DUE TO GENERAL CONDITIONS IN THE NEIGHBORHOOD WHICH MAY REFLECT THE UNREASONABLELENESS OF THE ZONING ORDINANCE ITSELF.
03. THE USE TO BE AUTHORIZED BY THE VARIANCE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY.
04. THE ALLEGED HARDSHIP HAS NOT BEEN SELF-CREATED.

**Town of Schroepfel
Zoning Board of Appeals
69 County Route 57A
Phoenix, NY 13135
Codes Office (315) 695-6075**

ZBA USE ONLY:
Appl.# ZBA _____
Date Rec'd _____

\$150.00 filing fee

APPLICATION FOR ZONING BOARD OF APPEALS

What type of action are you applying for? (Check one, a use variance is a variance for the use of land for a purpose which is otherwise not allowed or is prohibited by zoning regulations, an area variance is for the appeal for the use of land in a manner which is not allowed because of the dimensional or physical requirements of the applicable zoning regulations)

Use variance Area variance Special use permit Interpretation

APPLICANTS INFORMATION (When applying for a variance for property for which you are not the owner, a signed statement authorizing you as a designated representative of such owner, must accompany your application)

(If there are two or more applicants, provide the following information for each)

Name: _____
Home Address: _____
Business Address: _____
Home Phone: _____ Business Phone: _____

PROPERTY INFORMATION

Street Address: _____
Tax Map Number _____
Zoning District(s) _____
Acreage of Property _____
Owner(s) of Record: _____
Home Address: _____
Business Address _____
Home Phone: _____ Business Phone: _____

Continued on reverse side

Is the property located within five hundred feet (500') of any of the following? YES ___ NO ___
(i) the boundary of any city, village or town; (ii) the boundary of any existing or proposed county or state park or any other recreation area; or (iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or (iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established canal lines; or (v) the existing or proposed 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 shall not apply to the granting of area variances.

DESCRIPTION OF PROPOSED PROJECT OR REQUESTED INTERPRETATION
(Attach additional sheets if necessary.)

PREVIOUS ACTION REQUESTED OR TAKEN ON THIS PROPERTY

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH YOUR APPLICATION

- * SEQR SHORT FORM 617.21- appendix c, with part I to be filled out by the applicant (for type II unlisted actions only)
- * Individual verification form
- * Town of Schroepel supplemental application Agricultural Districts Form
- * Zoning map illustrating area affected
- * Site Plan map showing
 - a. Scale (ex 1"=20' or for a site less than 1 acre some other agreed upon scale)
 - b. North arrow
 - c. Physical characteristics of site, existing and proposed including septic and well location(s)
 - d. Layout plan showing buildings, parking and available utilities
 - e. Surface and subsurface drainage plan, incorporated within layout plan (if applicable)
 - f. For commercial activities locations of signs and outdoor lighting, if any.
- * Copy of Deed (2 copies) for proof of ownership.
- * Fourteen (14) (at least one certified) of an up to date survey prepared by a licensed land surveyor showing existing property.
- * List of all property owners with 500' of said property (Prepared by Clerk of Code Enforcement)
- * Submitted to Code Enforcement Office no later than fifteen day prior to the date of hearing (at this next meeting of the board, the application will be reviewed and if approved a public hearing date assigned, in those cases where a 239 County Planning Referral is necessary, it would be advantageous for the applicant to submit his/her application as soon as practical to expedite application process)

The applicant has the burden of proving to the board that each requested variance is justified. Refer to "Guidelines for Applicants to the Zoning Board of Appeals"

As a quasi-judicial board the ZBA will balance the benefit to the applicant with any potential detriment to the health, safety and welfare of the community, and as required by law will consider the following points

Relating to Area Variance

- a. Whether and undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of said variance.
- b. Whether the benefit sought can be achieved by some other feasible method for the applicant to pursue.
- c. Whether the requested variance is substantial.
- d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and
- e. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

Relating to Use Variance

- a. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence
- b. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood
- c. That the requested use variance, if granted, will not alter the essential character of the neighborhood;
- c. That the alleged hardship has not been self-created.

CERTIFICATION

I hereby certify that the information I have provided in this application, including any attached items are true and correct to the best of my knowledge.

Signature of Applicant

Date

For official use only

The Zoning Board of Appeals of the Town of Schroepel hereby Denies the above listed application

The Zoning Board of Appeals hereby grants the above listed application with the following terms and Conditions.

The Zoning Board of Appeals hereby grants the following interpretation regarding the above listed application. _____

As so stated in the minutes on file in the Office of Code Enforcement. You may within 30 days, appeal this decision by article 78 of the New York Civil Practice Law and Rules.

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
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
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
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	
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?	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	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
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?	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 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	
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? 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: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	

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
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 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 reviewers 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)?		

	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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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.

<input type="checkbox"/> 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.	
<input type="checkbox"/> 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)

INDIVIDUAL VERIFICATION

**STATE OF NEW YORK)
COUNTY OF OSWEGO) SS:**

_____ being duly sworn, deposes and says that he/she is the (Applicant/Petitioner) in this (Application/Petition); that he/she has read the foregoing instrument and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Applicant(s)

Subscribed and sworn to before me on this
_____ day of _____, 20 _____

Notary Public

CORPORATE VERIFICATION

**STATE OF NEW YORK)
COUNTY OF OSWEGO) SS:**

_____ being duly sworn, deposes and says that he/she is the _____ of _____ the corporation named in the within entitled Application/Petition, that he/she has read the foregoing instrument and knows the contents thereof, and that the same is true to his/her own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he/she believes it to be true.

Applicant(s)

Subscribed and sworn to before me on this
_____ day of _____, 20 _____

Notary Public

**TOWN OF SCHROEPPPEL
SUPPLEMENTAL APPLICATION
AGRICULTURAL DISTRICTS**

01. This property is within an Agricultural District containing a farm operation or is on property with boundaries within 500 feet of a farm operation location in an Agricultural District.

YES _____

NO _____

02. If the above answer is YES the applicant has prepared an agricultural data Statement which is annexed hereto.

03. I, the applicant, have made the above determinations by the review of the Town real property tax maps and the applicable agricultural District maps.

Applicant

Owner