

**APPLICATION to the ZONING BOARD OF APPEALS**

**Applicants please note:**

- \*Applications are due by the first Thursday of the month.
- \*A public hearing will be scheduled for the month following receipt of the application, allowing time for the ZBA to receive the Madison County Planning Board report.
- \*General Municipal Law 239m requires that all applications received locally be submitted to the Madison County Planning Board for review and recommendation.
- \*The County has 30 days from their receipt of the application to respond to the local board.
- \*The ZBA will not make a decision until they receive the County review and recommendation.

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**APPLICATION PURPOSE**

**OFFICIAL USE ONLY**

\_\_\_\_\_ Interpretation

Date received by Town Clerk \_\_\_\_\_

\_\_\_\_\_ Area Variance

Date sent to Board Members \_\_\_\_\_

\_\_\_\_\_ Use Variance

Date of Hearing \_\_\_\_\_

Date of Action \_\_\_\_\_

Action Taken \_\_\_\_\_

\*\*\*\*\*

To the Zoning Board of Appeals:

Date \_\_\_\_\_

I/We \_\_\_\_\_ ; \_\_\_\_\_  
(name of applicant (s)) (phone number)

\_\_\_\_\_  
(mailing address)

hereby appeal the decision of the Codes Enforcement Officer on an application for a Building Permit or for a Certificate of Occupancy (copies included). The Codes Enforcement Officer did deny said permit/certificate to \_\_\_\_\_ on \_\_\_\_\_  
(name of applicant) (date of action)

\_\_\_\_\_  
(signature of applicant)

**IF YOUR APPEAL IS FOR A VARIANCE, COMPLETE THE FOLLOWING:**

Owner of record of property (if different from applicant: \_\_\_\_\_

Address: \_\_\_\_\_

**As owner of record, I hereby give my consent for this application for a variance:**

\_\_\_\_\_  
(signature of owner)

If applicant is NOT the owner of record-state interest in property \_\_\_\_\_

\_\_\_\_\_

Tax Map # \_\_\_\_\_ Location of property \_\_\_\_\_

\_\_\_\_\_

**NOTE FOR VARIANCE**

State below the variance requested. Describe the desired use (for a use variance) or desired construction or site modification (for an area variance) in relation to the relevant provision(s) of the land Use Law from which relief is requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For a Use Variance: demonstrate how failure to grant the requested variance would constitute denial of any reasonable use of the land. (use additional sheets if necessary)

For an Area Variance: describe the practical difficulty or economic injury the property user would face if the variance were not granted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IF YOUR APPEAL IS FOR AN INTERPRETATION, COMPLETE THE FOLLOWING:**

Tax Map # \_\_\_\_\_ Location of property \_\_\_\_\_

Specific section (s) of Land Use Law involved \_\_\_\_\_

Specific language of section that you want interpreted \_\_\_\_\_

Your interpretation of the section of the Land Use Law \_\_\_\_\_

Approval is subject to revocation should the Board subsequently determine that any statement made by the applicant either as part of the application or at a public hearing held to consider the application was materially false and was not made in good faith. The Board further reserves the right to revoke approval or obtain appropriate injunctive relief in the event the applicant fails to abide by the submitted and approved site plan or by any conditions or restriction contained in their determination.

Preliminary site plan, with accurate dimensions. Must be done to a specified scale, on grid sheet provided on the reverse side. Plan must show:

Scale at which it is drawn and direction of north;

Location and dimensions of existing and proposed buildings (to include setbacks from property lines)

Location, layout, and dimensions of parking area and driveway (s);

Location of available utilities (hookups or access);

Location of well and septic system;

Location of any proposed outdoor storage;

Location & description of any fencing or vegetative screening;

Location and description of any outdoor lighting;

Direction(s) of slope of land;

Location of all footer drains, roof drains, streams, ditches, catch basins, retention/detention ponds;

Location and description of any business signs

NOTE: For final Site Plan Approval, the Planning Board or Board Of Appeals may require the submission of additional information drawn from the list in Section 608.1 of the Town of Eaton Land Use Law. When the property location does not pose problems for existing neighboring uses; when care is taken in the site design; and when the site does not have serious physical shortcomings; then smaller scale development projects stand a reasonable chance of receiving such Site Plan Approval upon the Planning Board's or Board of Appeal's consideration of a preliminary site plan containing only the above information and the SEQR EAF mentioned below -- typically after a single Planning Board or Board of Appeals meeting. Larger projects or those proposed for environmentally sensitive land will typically require submission of some or all of the items listed in Section 608.1, in addition to the above site plan material. The applicant may either submit all the information listed in Section 608.1 in the initial submission with the application or submit initially only the preliminary site plan and the SEQR EAF; the first alternative might allow a faster decision by the Planning Board/Board of Appeals, while the second might save the applicant the cost of preparing material the Boards would not have required.

Complete part 1 of the Environmental Assessment Form required under the State Environmental Quality Review Act (SEQR).

NOTE: If the Planning Board, on reviewing the Environmental Assessment form; finds a significant adverse impact that may result from the project, it must require completion of an Environmental Impact Statement, done to its satisfaction, before deciding on the permit application.

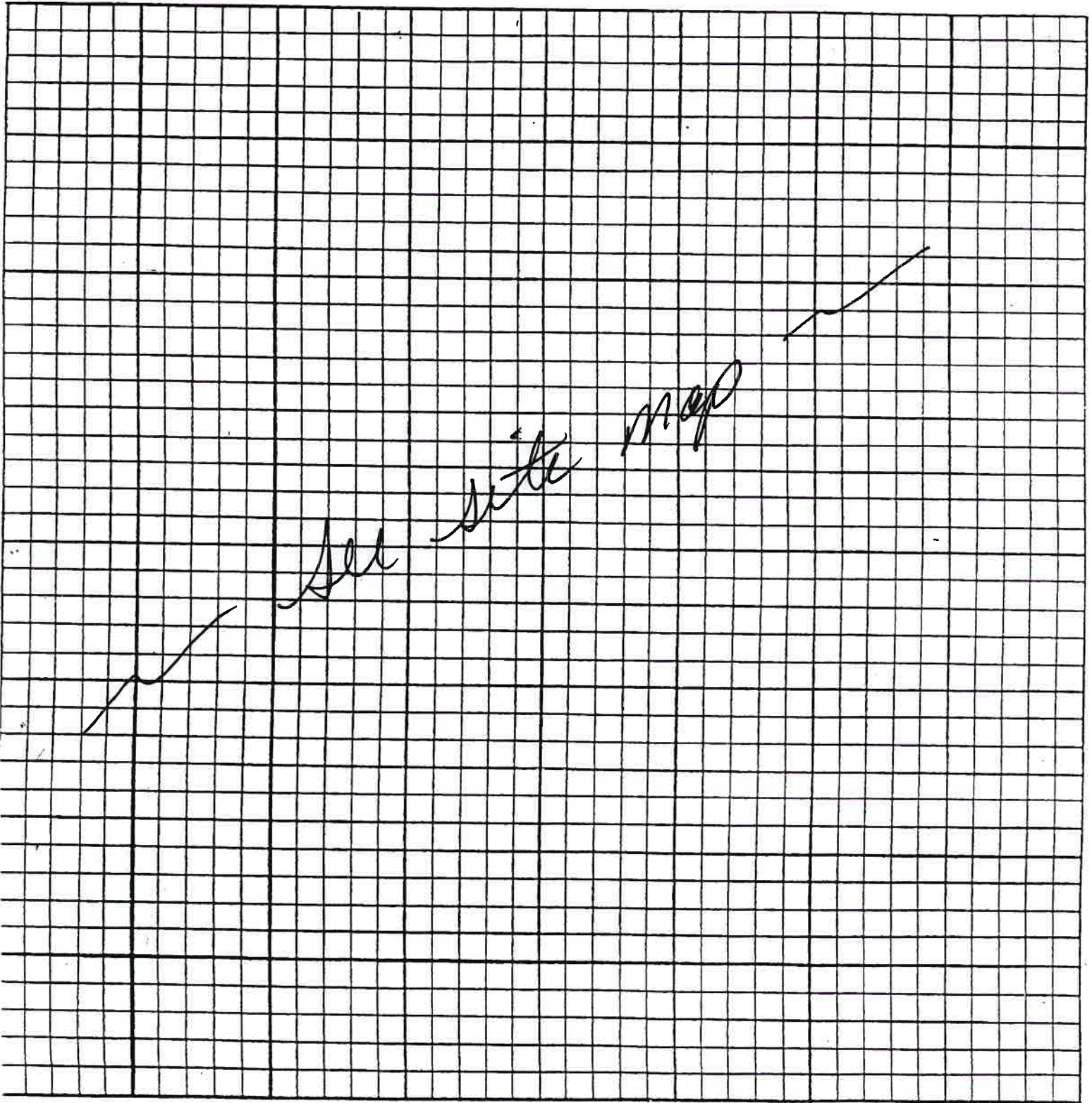
SEE THE REVERSE SIDE FOR INSTRUCTION REGARDING SITE DIAGRAM

SITE PLAN SKETCH

Scale (Check One):  1 small square = 5 ft.

1 small square = 10 ft

1 small square =      ft.





**Town of Eaton NY – Zoning Board of Appeals**  
**Application for an AREA Variance**

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**The Five Factors**

When considering whether to grant an area variance, a Zoning Board of Appeals must balance the benefit to the applicant weighed against the detriment to the health, safety, and welfare of the community by such grant. This is done through the consideration, weighing, and balancing of the Five Factors, and no others. These factors are uniform across NYS Zoning Boards of Appeals. Applicants must address the benefit of granting the variance against the impacts on the community.

**To be completed by the Applicant:**

- 1. If this variance is granted, will it produce an undesirable change in the character of the neighborhood or will it create a detriment to nearby properties? Yes or No?**
  - a. Explain Why or Why not?**
  
- 2. Can the benefit sought by the applicant be achieved by some other feasible method that would not require a variance? Yes or No**
  - a. Explain Why or Why not?**
  
- 3. Is the requested area variance substantial (A significant numerical deviation from the present zoning ordinance) ? Yes or No?**
  - a. Explain Why or Why not?**
  
- 4. Will the requested variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes or No?**
  - a. Explain Why or Why not?**
  
- 5. Is the alleged difficulty requiring a need for a variance self-created? Yes or No?**
  - a. Explain Why or Why not?**

*In the case of an Area Variance – the applicant does not have to satisfy all five of the above “tests”. The ZBA has to consider all five issues, but it then has to use its collective judgment to weigh the applicant’s potential gain against the neighborhood’s potential loss.*

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.

<b>Part 1 - Project and Sponsor Information</b>				
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?  b. Consistent with the adopted comprehensive plan?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<b>NO</b>	<b>YES</b>	
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?	<b>NO</b>	<b>YES</b>	
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: _____ _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<b>NO</b>	<b>YES</b>	
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?	<b>NO</b>	<b>YES</b>	
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: _____ _____	<b>NO</b>	<b>YES</b>	
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?	<b>NO</b>	<b>YES</b>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
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 _____ _____	<b>NO</b>	<b>YES</b>	



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
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
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?"**

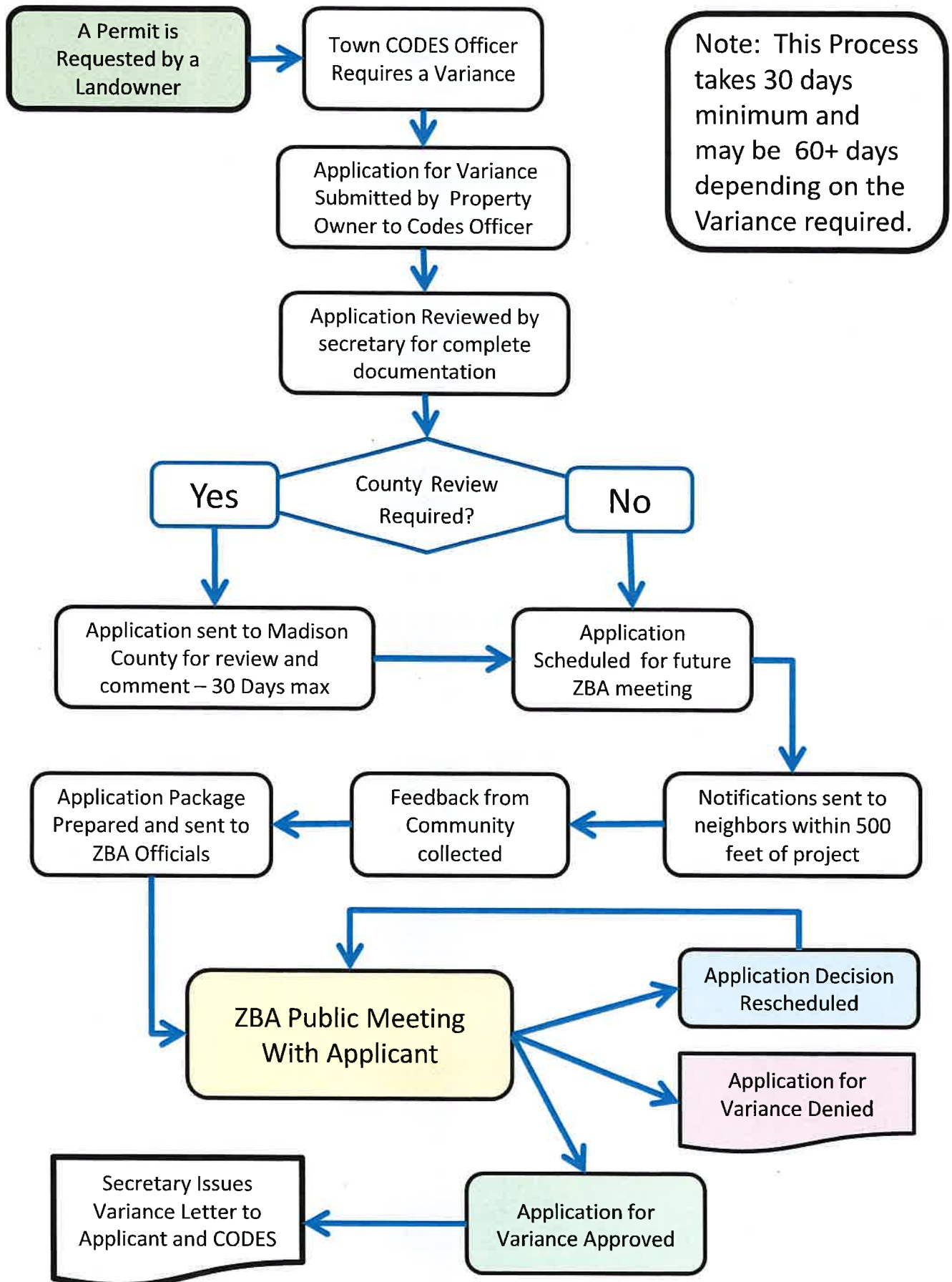
	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the 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)

# How Your ZBA Variance Request is Processed



Note: This Process takes 30 days minimum and may be 60+ days depending on the Variance required.