

**TOWN OF POMFRET, NEW YORK
ZONING BOARD OF APPEALS APPLICATION**

SPECIAL USE PERMIT

It is the responsibility of the applicant to complete this form in its entirety, including all required attachments, and as precisely as possible. Failure to submit a complete application may result in a delay in being placed on a Zoning Board of Appeals agenda or a delayed decision from the Zoning Board.

PROPERTY ADDRESS: _____

COUNTY TAX MAP IDENTIFICATION NUMBER: _____

APPLICANT INFORMATION

NAME _____ ADDRESS _____

PHONE _____
City State ZIP

FAX _____ E-MAIL _____

OWNER INFORMATION *(complete only if applicant is not the owner of the property)*

NAME _____ ADDRESS _____

PHONE _____
City State ZIP

FAX _____ E-MAIL _____

RELATIONSHIP OF APPLICANT TO PROPERTY:

____ CONTRACT PURCHASER
____ ARCHITECT/ENGINEER

____ CONTRACTOR
____ LESSEE

XX

OFFICE USE ONLY

RECEIVED BY: _____ DATE/TIME RECEIVED: _____

FEE AMOUNT: _____ CHECK/MONEY ORDER #: _____

ZONING: _____ FEE TRANSMITTAL DATE: _____

HEARING DATE: _____ DEADLINE DATE: _____

BRIEF DESCRIPTION OF PROPERTY (historic use of property, property ownership, current use)

DESCRIPTION OF PROPOSED ACTION (include in detail the special use you are requesting, etc)

SPECIAL USE PERMIT STANDARDS:

Application for a special use permit must be based on the special uses listed in the Zoning Chapter of the Code of the Town of Pomfret in conformance with permitted uses in their respective districts. All such uses are declared to possess characteristics of such unique and special forms that each shall be considered on an individual case. The location and size of use, the nature and intensity of the operations involved, the size and location of the site with respect to existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district. The nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair their value thereof. Operations in connection with any special use permit shall not be more objectionable to properties by reason of noise, fumes, vibrations or lights than would be the operations of any permitted use.

****NOTE:** A special use permit shall be deemed to authorize only one particular use and shall expire if the special use shall cease for more than one year for any reason*

DESCRIPTION OF SPECIAL USE/SITE PLAN (describe the features or conditions of the property/project that would require the need for "special use" consideration under current zoning regulations.)

COMPATIBILITY WITH NEIGHBORHOOD (describe the manner in which the proposed special use is unique yet applicable and consistent with adjoining development, will not cause substantial injury to neighboring properties or alter the essential character of the neighborhood in any way)

APPLICATION ATTACHMENTS:

To insure appropriate and timely review of the application, please provide the following additional documentation in support of the application. Failure to provide all of the applicable materials listed below may result in a delay in scheduling the application for review or Hearing by the Zoning Board of Appeals.

- _____ \$150.00 application fee (check or money order only payable to Town of Pomfret)
- _____ Detailed site plan (see sample on following page)
- _____ Detailed drawings for parking layout, landscaping and signage
- _____ Photographs of existing conditions
- _____ SEQR Assessment form - Environmental Assessment - included in application
- _____ Mandatory Referral to Chautauqua County Planning Board - included

APPLICANT /OWNER AFFIRMATION:

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE HEARING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.

_____ Signature (Applicant)	_____ Date
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IF APPLICANT IS NOT THE OWNER OF RECORD FOR THE SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNDER(S) IN FURTHERANCE OF THE REQUEST.

_____ Signature (Owner)	_____ Date
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_____ Signature (Owner)	_____ Date
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**MANDATORY REFERRAL
TO
CHAUTAUQUA COUNTY
PLANNING BOARD**

In accordance with General Municipal Law 239-1 and 239-m, before issuing a special use permit or granting a variance affecting any real property lying within a distance of 500 feet of the boundary of this municipality or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated, the matter shall be referred to the Chautauqua County Planning Board.

Within 30 days after receipt of the full statement of such referred matter, the Chautauqua County Planning Board to which the referral is made, or an authorized agent of said agency, shall report its recommendations thereon to the Board of Appeals, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such period of 30 days, the Board of Appeals may act without such report. If the Chautauqua County Planning Board disapproved the proposal, or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or recommendations except by a vote of a majority plus one of all members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

Within seven (7) days after final action by the Board of Appeals, modifications or disapproval of a referred matter, the Board of Appeals shall file a report of the final action it has taken with the Chautauqua County Planning Board which had made the recommendations, modifications or disapproval.

Matters to be referred to Chautauqua County Planning Board:

- adoption or amendment of a zoning map or regulations
- adoption or amendment of a comprehensive plan
- issuance of special use permits
- approval of site plans
- granting or use or area variances
- other authorization which a referring body may issue under the provisions of any zoning or local law

Through a legal agreement with Chautauqua County Planning Board the Town of Pomfret Zoning Board of Appeals have had the following actions exempt from referral for County review:

Residential Area Variances:

- Rear & Side Building Setbacks
- Fences
- Decks
- Minimum Building Size
- Minimum Building Lot Size
- Size & Height of Garages
- Number of Storage Sheds
- Subdivision of Lots

Special Use Permits:

*Renewals (only)



**Chautauqua County Division of
Planning and Community
Development**

FOR COUNTY USE
ONLY

Referral Number

Receipt Date

Response Date

Hearing Date

Completed By

239 Planning/Zoning Referral Form

Municipality:

Type of Action:

- ☐ Local Law (Adopt / Amend)
- ☐ Comprehensive Plan
- ☐ Site Plan
- ☐ Special Use Permit
- ☐ Use Variance
- ☐ Area Variance
- ☐ Other: _____

Parcel(s) within 500 feet of:

- ☐ State Road _____
- ☐ County Road _____
- ☐ State Property (with recreation area or public building)
- ☐ County Property (with recreation area or public building)
- ☐ Municipal Boundary
- ☐ Farm operation in an Agricultural District

Applicant:

Address of Property:

Tax Parcel Number(s):

Zoning District:

Description of Project:

Present Use of Property:

Supporting Documents: ☐ Municipal Application Form ☐ Copy of Applicable Zoning Law Section
(Please submit required ☐ Site Plan ☐ Completed SEQR EAF Form(s) (☐ check box if project is Type II action)
documents with this form) ☐ Agricultural Data Statement ☐ Other: _____

Referring Agency: ☐ Planning Board ☐ Zoning Board of Appeals ☐ Municipal Board

Name of Referring Official:

Title:

Phone:

email:

Hearing Date:

Municipal Staff Contact:

Title:

Phone:

email:

*please return completed form and
supporting materials to:*

Chautauqua County Planning Board
214 Central Ave.
Dunkirk, NY 14048

and/or email to
chautauquaplanning@chqgov.com

In accordance with General Municipal Law, all referrals must be accompanied by a "full statement" of the proposed action, which means all materials required by and submitted to the referring body as an application on the proposed action. These materials include a completed environmental assessment form and all other materials required by the referring body to make its determination of significance pursuant to the New York State Environmental Quality Review Act. A completed Part I of the SEQR Environmental Assessment Form, or Environmental Impact Statement, Negative Declaration, or indication of SEQR Type II Status must be included with all referrals.

By law, the Chautauqua County Planning board has 30 days after the receipt of a complete referral to review an application and offer recommendations. Therefore, 30 day notice is recommended to ensure proper review. This 30 day period begins after staff determines the referral submittal to be complete.

TOWN VILLAGE CITY OF _____
(circle one)

Application # _____

Agricultural Data Statement

Date _____

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant

Owner if Different from Applicant

Name: _____
Address: _____

Name: _____
Address: _____

1. Type of Application: ☐ Special Use Permit; ☐ Site Plan Approval ; ☐ Use Variance;
(check one or more) ☐ Subdivision Approval

2. Description of proposed project: _____

3. Location of project: Address: _____
Tax Map Number (TMP) _____

4. Is this parcel within an Agricultural District? ☐ NO ☐ YES (Check with your local assessor if

5. If YES, Agricultural District Number _____ you do not know)

6. Is this parcel actively farmed? ☐ NO ☐ YES

7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: _____
Address: _____

Is this parcel actively farmed? ☐ NO ☐ YES

Name: _____
Address: _____

Is this parcel actively farmed? ☐ NO ☐ YES

Name: _____
Address: _____

Is this parcel actively farmed? ☐ NO ☐ YES

Name: _____
Address: _____

Is this parcel actively farmed? ☐ NO ☐ YES

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: _____
Signature of Municipal Official

Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

SEQR REQUIREMENTS

New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. This means these agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. SEQR requires the agencies to balance the environmental impacts with social and economic factors when deciding to approve or undertake an "Action"

If an action is determined not to have significant adverse environmental impacts, a determination of no significance or Negative Declaration is prepared. If an action is determined to have potential significant adverse environmental impacts, an Environmental Impact Statement (EIS) is required.

The SEQR process uses the EIS to examine ways to avoid or reduce adverse environmental impacts related to a proposed action. This includes an analysis of all reasonable alternatives to the action. The SEQR "decision making process" encourages communication among government agencies, project sponsors and the general public.

Actions are classified into 3 different categories. The classification of the action will determine the level of initial environmental review that the project will receive, which could consist of: No further review; Full (Long form) EAF or Short Form and To Coordinate or not to coordinate with other agencies.

Type I Classification Actions - are most likely to have significant adverse impact on environment, so are more likely to require EIS. (Not all Type I Actions are an automatic EIS requirement.)

Some Examples:

- Large Residential facilities (in context of existing community size)
- In or "substantially contiguous to" Historical Register listed or eligible sites or parks
- Affecting agricultural districts
- Purchase, sale or other transfer of more than 100 acres

***Type I classifications require that the SEQR process continue**

Type II Classification Actions - have been determined not to have a significant adverse impact on the environment and therefore do not require an EIS

Some Examples:

- Most Maintenance or repairs - including upgrading building to meet building and fire codes
- 1, 2 or 3 family homes on approved lots
- New non-residential uses under 4,000 square feet (requiring no zoning change or use variance)
- Purchase or sale of supplies or equipment - land transactions not covered
- Minor structures, such as garages, barns, or home swimming pools, routine permit and license renewal with no substantial change in permitted activities
- Rebuilding or replacement of facilities, in kind, on the same site

***Type II classifications conclude at SEQR**

Unlisted Classification Actions - are any proposals or actions not specifically included on either the statewide Type I or Type II lists. This is the largest category of actions subject to SEQR review. Specific items are not listed since it is impossible to identify in advance every potential project or decision which an agency may need to consider.

Some Examples:

- New 20 unit apartment building
- New non-residential use of 10 acres or less
- Parking for less than 1,000 cars
- Sale, purchase, lease or other transfer of fewer than 100 acres of land by government entity

NOTE: The SEQR regulations allow an agency to choose to apply the Type I initial review process to any unlisted action. Therefore it is reasonable to treat any large or complex project that has been classified as Unlisted, as a Type I action.

***Required that SEQR continue**

Please complete Part I of the attached *Short Environmental Assessment Form* as a required part of the Zoning Board of Appeals Application process. Thank you.

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?			NO
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.			YES
			☐
			☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			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 _____ acres			
or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO ☐ ☐	YES ☐ ☐	N/A ☐ ☐
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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO ☐ ☐ ☐	YES ☐ ☐ ☐	
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 No, describe method for providing potable water: _____ _____	NO ☐	YES ☐	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO ☐	YES ☐	
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? 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?	NO ☐ ☐	YES ☐ ☐	
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 ☐ ☐	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ 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 plan?	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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	NO	YES
	☐	☐
	☐	☐
	☐	☐
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	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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

- F. Temporary variances. The Zoning Board of Appeals may issue, for uses which are of a temporary nature, a variance. Said variance shall clearly state the conditions of the variance to include when it shall terminate, the possibility of renewal, and other conditions deemed necessary.

§ 300-103. Special use permits.

- A. Applicability. The Zoning Board of Appeals shall be responsible for all special use permits/site plans which are not under the jurisdiction of the Municipal Board [see § 300-108B(1)].
- B. Basis for granting special use/site plan permits.
- (1) Applicability. The Zoning Board of Appeals shall hear all requests for special use permits for all projects not under the jurisdiction of the Municipal Board.
 - (2) General provisions. The special uses listed in this Zoning Chapter for which conformance to additional standards are required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this Zoning Chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
 - (3) Standards. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations or lights than would be the operations of any permitted use.
 - (4) Conditions.
 - (a) In the granting of special use permits, the permitting board shall attach such conditions and safeguards as it deems appropriate under this chapter.
 - (b) The supplemental section of this chapter entitled "General conditions," § 300-37, will be referred to and used as a checklist of possible conditions to be attached to the special use permit being requested, and this section is not all-inclusive.
 - (c) A plan for the proposed development of a site for designated special use shall be submitted with an application for a special use permit, and the plan shall show the location of all buildings, lots, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that the permitting board deems necessary.

Project: Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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)?	☐	☐
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?	☐	☐

Short Environmental Assessment Form

Part 3 Determination of Significance

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.

_____ 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)