

Town of Wayne
P. O. Box 182
9772 Silsbee Road
Wayne, NY 14893

Instructions: Appeal for Variance

Please do not start any construction until application is complete, approved, and all required permits are issued.

An Appeal for Variance is when the Zoning Officer rejects an Application for a Land Use Permit, the applicant may appeal for a Variance on the ground that, without relief, the strict application of a particular provision of these Regulations (the reason for the rejection) would cause the appellant to suffer significant economic injury or practical difficulty or unnecessary hardship. Refer to Section 4.5 in Land Use Regulations.

1. This application must be completely filled in, **typewriter or printed in black ink**; submit original application and two (2) copies to the Zoning Board.
2. Application must be accompanied by a complete set of **Plans and Specifications** for the proposed work on a tax map or current survey. The tax map may be obtained from the County Tax Assessor's Office.
3. A **Plot Plan** shall be drawn, showing street(s) on which property is located, lot dimensions, all building dimensions (existing and proposed), the distance from new construction to the lot line, and a North arrow.
Proposed construction shall be staked on the physical property.
4. **Landscaping and Screening**, construction drawing for pavement, walks, steps, curbing, drainage, and other structures (including fences, walls, or other landscaping materials).
5. **Signage Plan** with dimensions and locations of existing and proposed signs (including signs for owner name and house number).
6. **Total floor area and ground coverage** of proposed building and structure; including percentage of ground cover (i.e., driveways, sidewalks, etc.).
7. **Building plans, including elevations** of front, sides, and back.
8. **Photographs** (minimum 4" x 6" to be provided by applicant) showing the development site and existing structures on the property.
9. **Amount of land disturbed in square footage:**
 - a. Amount of excavated material to be removed from the site.
 - b. Amounts of fill material to be brought into site.
 - c. Temporary and permanent erosion control measures.
10. **Design and location** of existing and proposed wells, septic tanks, leach field systems or methods of wastewater disposal. Are any of these systems in use? Are they shared? Include a copy of current "Keuka Watershed Improvement Cooperative Onsite Wastewater Treatment System Inspection" form supplied by the Watershed Inspector.
11. **Water supply.** What is it? Where is the pump?
12. **Insurance Coverage:**
 - a. Contractor with employees – Workers Compensation Insurance
 - b. Disability Insurance, or
 - c. An Insurance Waiver
13. What is your **five-year plan** for the site?
14. No new construction shall be occupied or used for any purpose until an application has been made for and the Building Inspector shall have granted a **Certificate of Occupancy**.

(Signature of Owner))

(Date)

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Checklist: Appeal for Variance

- | | | | |
|-----|-----|----|--|
| 1. | Yes | No | Will a new driveway be needed or will there be a change to the present driveway?
If so, provide a copy of State, County or Town Permit. |
| 2. | Yes | No | Will there be any construction, landscaping, stone work, etc. next to or in the
road/highway Right of Way? |
| 3. | Yes | No | Will any excavation or fill be needed for the project? |
| 4. | Yes | No | Will the property slope to roadway or neighbors property be greater than 15%? |
| 5. | Yes | No | Will this permit cause a change in the existing use of property or structures? |
| 6. | Yes | No | Will there be any sign larger than two (2) square feet (including signs for owner's
name and house number)? |
| 7. | Yes | No | Will the exposed height of construction exceed thirty-four (34) feet in any location? |
| 8. | Yes | No | Does your project include dividing the land? |
| 9. | Yes | No | Will the existing septic system be used? |
| 10. | Yes | No | If yes to #9, will you be adding to the total number of bedrooms? |
| 11. | Yes | No | Will a new septic system be required? |
| 12. | Yes | No | Will you have a garbage disposal? |

(Signature of Applicant)

(Date)

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Appeal Number _____
Date: _____, 20__

Application to the Board of Appeals

TO THE ZONING BOARD OF APPEALS, Town of Wayne, New York

I (we) _____
(Name of Owner) (Street/Number)

_____, _____
(Municipality) (State) HEREBY APPEAL TO

THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE ZONING OFFICER ON APPLICATION FOR

Building Permit No. _____ Dated _____, 20__, whereby the Zoning Officer did
_____ Grant _____ Deny

Tax ID# _____ TO _____
(Name of Applicant for permit)

OF _____
(Street/Number) (Municipality) (State)

_____ A Permit For Use
_____ A Temporary Permit On Extension Thereof

_____ A Permit For Occupancy
_____ A Certificate Of Existing Use

1. **Location of Property** _____
(Street/Number) (Use District on Zoning Map)

2. **Provision(s) of the Zoning Ordinance Appealed.** (Indicate the article, section, subsection, and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance)

3. **Type of Appeal.** Appeal is made herewith for:

_____ An interpretation of the Zoning Ordinance or Zoning Map
_____ A special permit under the Zoning Ordinance
_____ A variance to the Zoning Ordinance
_____ A temporary permit

4. **Previous Appeal.** A previous appeal: _____ has _____ has not been made with respect to this decision of the Zoning Officer or with respect to this property. Such appeal(s) was (were) in the form of:

_____ A requested interpretation
_____ A request for a variance
_____ A request for a special permit
_____ A temporary permit

and was (were) made in Appeal to _____ dated _____, 20__
Appeal to _____ dated _____, 20__
Appeal to _____ dated _____, 20__
Appeal to _____ dated _____, 20__

5. **Reason for Appeal** (Complete relevant work. Use extra sheet if necessary)

A. Interpretation of the Zoning Ordinance is requested because _____

B. Special Permit under the Zoning Ordinance is requested
Pursuant to Article _____ Section _____, Subsection _____
Paragraph _____ of the Zoning Ordinance, because _____

C. A variance to the zoning ordinance is requested for these reasons:

- (1) Strict application of the Ordinance would produce UNDUE HARDSHIP because: _____

- (2) The hardship created is UNIQUE and is not shared by all properties alike in the immediate vicinity to this property and in this use district because: _____

- (3) The variance would observe the spirit of the ordinance and would NOT CHANGE the character of the district because: _____

Date Application Received: _____, 20__

Date Filed with Chairman of the Board: _____, 20__

Date of Notice to Parties of Interest: _____, 20__

Date of Public Hearing: _____, 20__

Date of Notice to Newspapers: _____, 20__

Decision of the Board: Approved: _____ Denied: _____

In granting any variance, the Board may require such reasonable conditions and safeguards as it may deem necessary to implement the purposes of these regulations. If approved, the following conditions and safeguards were prescribed: _____

If denied, the reason(s) for denial: _____

Date: _____, 20__

Chairman of the Board

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?			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 governmental 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 or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____			
☐ Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	☐	☐	☐
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 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 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 ☐	
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 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? ☐ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? ☐ NO ☐ YES If Yes, briefly describe: _____	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 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.

☐	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)	

PRINT