

TOWN OF CHAZY
APPLICATION TO ZONING BOARD OF APPEALS

For Zoning Enforcement Officer's Use:

ZONING BOARD NO. _____

DATE RECEIVED: ____/____/____

Application for: **Map No.** _____ **Block No.** _____ **Parcel No.** _____

1. Applicant's Name: _____
 Address: _____
 City, State, Zip: _____
 Phone/Email: _____

2. Application is made for:
 () an Area Variance
 () a Use Variance
 () an interpretation of the Zoning Law or Map
 () an appeal from a decision of the Zoning Enforcement Officer

3. This request relates to the following section(s) of the Town of Chazy Zoning Law:

4. Describe the nature of the request in detail:

5. In the case of a variance, provide justification that the request meets the criteria that must be met in order for the Zoning Board of Appeals to approve the variance (See Sections 930 and 940 of the Town of Chazy Zoning Law):

6. Attach a copy of a completed Application for Building and Zoning Permit, including the site plan map if relevant.

Applicant Signature

____/____/____
Date

FOR USE OF THE ZONING BOARD OF APPEALS:

This application is: ☐ Approved
☐ Approved with modifications or conditions
☐ Disapproved

Modifications, conditions or reasons for disapproval:

Chairperson, Town of Chazy
Zoning Board of Appeals

____/____/____
Date

APPLICATION FOR A USE VARIANCE

OFFICE USE ONLY

Application No. UV- _____
Date of Application: _____
(Postmarked or Hand Delivered)
Date of Public Hearing: _____
Date of County Referral: _____
Date of Final Action: _____
Date of Filing of Decision with the
Municipal Clerk: _____

Appeal Concerns Property at the following address:

County Tax Map Section: _____ Block _____ Lot _____

Zoning District Classification: _____

Date Applicant Acquired Property: _____

(If property is not owned by the applicant, the applicant must submit a statement by the property owner authorizing the applicant to appeal on his/her behalf.)

The applicant's appeal from a decision of the Zoning Enforcement Officer concerns the following:

- _____ Denial of an Application for a Building Permit (Attach to Application)
- _____ Denial of an Application for a Certificate of Occupancy (Attach to Application)

For the Proposed Activity:

Denial was made based on the following sections of the Zoning Code:

Date of Zoning Enforcement Officer's Decision: _____

State what type of use variance you are requesting: _____

(OVER)

TEST: No use variance will be granted without showing by you (the applicant) that applicable zoning regulations and restrictions have caused unnecessary hardship. The following tests must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit. Below please briefly describe how each of the four variance tests are met. Attach all supporting materials.

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial:

Proof: _____

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood.):

Proof: _____

3. The requested use variance, if granted, will not alter the essential character of the neighborhood:

Proof: _____

4. The alleged hardship has not been self-created:

Proof: _____

Applicant: _____ **Telephone:** _____

Mailing Address: _____

Signature: _____ **Date:** _____

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			

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 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)? If Yes, briefly describe: ☐ NO ☐ 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 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

RESET

USE VARIANCES

What it is: An application for a type of land use not permitted within the zoning district.

Examples:

- a tire manufacturing plant (industrial) within a residential zone.
- additional signs than what are permitted (request for three when only one is allowed)
- a residential use within an industrial zoning district.

Application must have been denied by the zoning enforcement officer before a variance may be heard by the zoning board of appeals

STATE ESTABLISHED PROCEDURE FOR REVIEWING USE VARIANCE REQUESTS

Applicant must show "unneccessary hardship" in order to receive the variance.

To show unneccessary hardship, the applicant must demonstrate to the ZBA that for each use permitted within the zoning district where the property is located, that:

- 1) the applicant cannot realize a "REASONABLE RETURN".
 - proof must include competent financial evidence (written proof)
 - must be a substantial lack of return (somewhat subjective by ZBA)
- 2) the alleged hardship is "UNIQUE".
 - the hardship cannot apply to a substantial portion of the district or neighborhood
- 3) the proposal will not "ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD"
 - the project will not cause substantial impacts on the current conditions of the neighborhood, including factors such as traffic, pollution, aesthetics
- 4) the alleged hardship is not "SELF CREATED".
 - the applicant did not cause the difficulty personally, such as by altering the the property (excavations, land-locking of the lot, other physical changes to the lot).
 - purchase of the land with an intent to use it for a use not permitted in the zoning district is an example of a self created hardship.

ALL FOUR OF THE TESTS MUST BE MET FOR A USE VARIANCE TO BE GIVEN LEGALLY.

GRANTING OF A VARIANCE:

The ZBA shall grant the MINIMUM VARIANCE that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, AND AT THE SAME TIME PERSERVE AND PROTECT THE CHARACTER of the neighborhood and the health, safety, and welfare of the community.

CONDITIONING THE VARIANCE:

Reasonable conditions and restrictions may be applied by the ZBA to the use variance, as long as the conditions and restrictions are directly related to and incidental to the proposed use of the property. The conditions shall be consistent with the spirit and intent of the zoning law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

TOWN OF CHAZY

CODE ENFORCEMENT OFFICER

P.O. Box 219
Chazy, New York 12921-0219
TEL: 518-846-7544, Ext. 4, FAX: 518-846-8981
EMAIL: chazycodes@westelcom.com

****APPLICANTS MUST SUBMIT THIS SIGNED FORM WITH APPLICATION TO THE
PLANNING BOARD OR THE ZONING BOARD OF APPEALS****

To APPLICANTS requesting Planning Board or Zoning Board applications, please note as follows relative to the Fees Schedule:

- A. Application to Planning Board for Conditional Use approval plus all legal fees:
Residential: \$50.00
Commercial: \$100.00
- B. Application to Zoning Board of Appeals for Area or Use Variance plus all legal fees:
Residential: \$50.00
Commercial: \$100.00
- C. Application to the Zoning Board of Appeals for an interpretation of Zoning Law or to appeal a decision of the Zoning Enforcement Officer plus all legal fees:
Residential: \$50.00
Commercial: \$100.00
- D. Application to the Town Board to amend the Zoning Law plus all legal fees:
Residential: \$100.00

APPLICANT SIGNATURE

____/____/_____
DATE