

SUBJECT: Zoning Board of Appeals Application Requirements

TO: All Prospective Applicants

1. Completed applications must be submitted by the deadline dates indicated below.
2. Application must be accompanied by the proper application fee.
3. Application must be accompanied by eight (8) sets of photographs of the pertinent area.
4. Application must include the following:
 - A site plan showing all dimensioning including distance from property lines and roadways, driveways, all curb cuts, septic and elevation.
 - A property survey, elevation drawings, landscape plans, parking, lighting, etc.
 - An application for a special use permit must include documentation relevant to the particular use applied for (see Code Enforcement Officer).
 - Pertinent documents
5. The application form along with eight (8) sets of the accompanying items listed in Item 4 above must be submitted.

Some applications may require a site plan review by the Town Planning Board *

Some applications may require review by the County Planning Board as determined by the Zoning Board of Appeals then we will need one (1) extra set of documents provided**

Month	Application Submittal Deadline Date	Town Planning Board Meeting Date*	Zoning Board Meeting Date	County Planning Board Meeting Date**
January	12/26/16	1/18/17	1/25/17	1/11/17
February	1/23/17	2/15/17	2/22/17	2/8/17
March	2/20/17	3/15/17	3/22/17	3/8/17
April	3/27/17	4/19/17	4/26/17	4/12/17
May	4/24/17	5/17/17	5/24/17	5/10/17
June	5/29/17	6/21/17	6/28/17	6/14/17
July	6/26/17	7/19/17	7/26/17	7/12/17
August	7/24/17	8/16/17	8/23/17	8/9/17
September	8/28/17	9/20/17	9/27/17	9/13/17
October	9/25/17	10/18/17	10/25/17	10/11/17
November	10/23/17	11/15/17	11/22/17	11/8/17
December	11/27/17	12/20/17	12/27/17	12/13/17

Memo to Applicants for an Area Variance

You have applied for an area variance to the Town of South Bristol Zoning Board of Appeals. An “area variance” means the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning requirements. It will help the board a great deal if you keep in mind the following as you prepare for your public hearing.

The Zoning Board of Appeals may grant a variance from the terms of the town code zoning chapter (170-92) as will not be contrary to the public interest. Variances granted shall be the minimum which will accomplish the purpose of providing for reasonable use of land or buildings. The Zoning Board of Appeals must consider the following five factors:

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

All applicable conditions of SEQR (State Environmental Quality Review Act) must also be met. For an introduction to SEQR go to: <http://www.dec.ny.gov/permits/6208.html>

A site plan is required with all applications for a variance.

You can help yourself and the board if you bring supportive neighbors or statements from them to the hearing to help demonstrate that your application is consistent with the above five factors.

One or more board members may want to visit the site. If so, you may be contacted by them.

If you have any questions about any of this, the code enforcement office is ready to help.

Town of South Bristol Zoning Board of Appeals

Memo to Applicants for a Use Variance

You have applied for a use variance to the Town of South Bristol Zoning Board of Appeals. It will help the board a great deal if you keep in mind the following as you prepare for your public hearing.

A zoning board may grant only the minimum variance needed *“to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.”* To show unnecessary hardship, the applicant must demonstrate that for each and every permitted use for the particular zoning district,

1. *“The applicant cannot realize a reasonable return, provided that lack of return is demonstrated by competent financial evidence.”* In other words, you must come to the public meeting with dollar and cents figures which show your costs for and your returns from the property, and also must be able to show that the use variance, if granted, will change this financial picture substantially. It is also necessary for you to show that the return from your property would not be reasonable *for each and every permitted use* under the zoning ordinance.
2. *“The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood.”* This means that “the plight of the owner is due to unique circumstances and not the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself” in which case the recourse should be through a change in the zoning law (as written by the town board) and not through a variance. The “unique circumstances” refer to the property, not the owner’s situation.
3. *“That the requested use variance, if granted, will not alter the essential character of the neighborhood.”*
4. *“The alleged hardship has not been self-created.”* A variance cannot be issued if the hardship was created by the applicant himself.

All applicable conditions of SEQR (State Environmental Quality Review Act) must also be met. For an introduction to SEQR go to: <http://www.dec.ny.gov/permits/6208.html>

You can help yourself and the board if you bring supportive neighbors or statements from them to the hearing to help demonstrate that your application passes the above four tests.

One or more board members may want to visit the site. If so, you may be contacted by them.

If you have any questions about any of this, the code enforcement office is ready to help.

Town of South Bristol Zoning Board of Appeals

Memo to Applicants for a Special Use Permit

You have applied for a special use permit to the Town of South Bristol Zoning Board of Appeals. It will help the board a great deal if you keep in mind the following as you prepare for your public hearing.

Certain land uses in zoned districts are permitted, but require special permits. For example, our zoning law permits bed-and-breakfast operations in some residential districts, but special use permits are required for them. The intent of the law in requiring the permits is to “assure that the proposed use is in harmony with the zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.” (NYS Town Law 274-b-1)

Special use permits differ from variances:

- Special use permits allow certain uses, provided certain conditions set forth in the ordinance are complied with. They allow uses if specific and special conditions are met.
- Variances permit land to be used in a manner otherwise prohibited by ordinance. A variance makes an exception to the ordinance in a specific case to permit a use normally not allowed.

You must tell the board how you intend to satisfy the following seven general conditions:

1. The proposed use is consistent with the Comprehensive Plan of our Town.
2. The proposed use is consistent with the purposes of the zoning law of our town (see South Bristol Code 170-2), such as the promotion of the health, safety, and general welfare, and the conservation of the natural beauty of the land, its lakes, streams, forests and hills. The proposed must also be consistent with the regulations or the zoning district in which the proposed special use is to be located.
3. The proposed use will not adversely affect the character of the neighborhood.
4. The proposed use will not be detrimental to nearby properties.
5. The proposed use will not have an adverse impact on the physical or environmental conditions of the neighborhood or district.
6. The proposed use meets all conditions for land conservation districts or any other restrictive overlay districts, if appropriate.
7. The proposed use meets all the conditions required under the State Environmental Quality Review Act (SEQR). For an introduction to SEQR go to: <http://www.dec.ny.gov/permits/6208.html>

You can help yourself and the board if you bring supportive neighbors or statements from them to the public hearing.

One or more board members may want to visit the site. If so, you may be contacted by them.

The following special use applications require a site plan to be submitted to the planning board for approval:

1. Mobile home parks
2. Commercial kennels
3. Public and semipublic uses
4. Multiple-family dwellings
5. Mining
6. Campgrounds
7. Motor vehicle service stations and public garages
8. Towers outside the Tower District
9. Additional residential structures on the same lot
10. Commercial greenhouses
11. Residential windmills
12. Commercial windmills

If you have any questions about any of this, the code enforcement office is ready to help you.

Resolution 71-2014
Enforcement of Zoning Administration and Enforcement
of Fees, Charges, and Related Expenses

Whereas, compliant to Town of South Bristol Zoning Code Chapter 170, Article VIII, Section 170-95 (a) it is the direction of this governing board pursuant to Town Zoning Code Rules and Regulations that any and all fees, charges and other related expenses that are incurred for application of zoning permits, special use permits, variances, appeals, site plan approval, certificate of compliance, certificate of non-conformity and amendments to expenses incurred by the Town of South Bristol in the process and review of such applications by the Town Board, Town Planning Board, Zoning Board of Appeals, Code Enforcement Officer, and any other governmental agencies working on behalf of the Town of South Bristol.

Whereas, compliant to Town of South Bristol Zoning Code Chapter 170, Article VIII, Section 170-96 Consulting Fees it is the direction of this governing Board pursuant to Town Zoning Code Rules and Regulations that by the Town Board, Town Planning Board, Zoning Board of Appeals, Code Enforcement Officer, and any other governmental agencies working on behalf of the Town of South Bristol shall have the right to determine whether to consult with professional outside consultants.

Whereas, exercising compliancy with the Town of South Bristol Zoning Code as reflected in the Town Zoning Code, the Town will bill all applicants for said fees, charges and other related expenses. The applicant shall pay as required all bills as rendered within 10 days.

Resolved, that all applicants are to sign an acknowledgement of receipt of this Resolution, acknowledging their acceptance of these terms.

Therefore, be it resolved, that the Code Enforcement Office is hereby directed to provide a copy of this Resolution to all applicable parties.

SIGNATURE OF APPLICANT

DATE

Ontario County Agricultural Data Statement

Town Village City of _____ Date _____

Ag District Number _____

Introduction

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;
 Subdivision Approval

2. Description of proposed project:

3. Location of project: Tax Parcel ID# _____

4. Is this parcel actively farmed? NO YES

5. List all farm operations within a NYS Department of Ag & Markets Certified Agricultural District that are within 500 feet of your parcel. Attach additional sheets if necessary.*

Name: _____ Address: _____ Tax Parcel ID # _____	Name: _____ Address: _____ Tax Parcel ID # _____
Name: _____ Address: _____ Tax Parcel ID # _____	Name: _____ Address: _____ Tax Parcel ID # _____

* Attach a tax map showing the site of the proposed project relative to the location of farm operations identified above. Parcel information including aerial photos and Agricultural District information is available electronically

Ag District maps can be obtained from your municipal assessor, municipal clerk or the County Planning Department.

Signature of Applicant

Signature of Owner (if other than applicant)

NOTE TO MUNICIPALITY: All applications requiring an Agricultural Data Statement **must** be referred to the Ontario County Planning Department in accordance with amended Sections 239-m and 239-n of New York State General Municipal Law.

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? 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				

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		

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?		

Project:

Date:

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)