GUIDE FOR APPLICANTS APPLYING FOR A USE VARIANCE

This publication has been written to aid potential applicants in understanding and appreciating the variance process, and to provide an explanation of the rules and standards under which variance decisions of this Town’s Zoning Board of Appeals (ZBA) must be made.

What must be proven in order to be granted a Use Variance?
If requesting a Use Variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must approve “unnecessary hardship”. To prove this, State law requires the applicant to show all of the following:

1. That the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual “dollars and cents” proof must be submitted);
2. That the property is being affected by unique, or at least highly uncommon circumstances;
3. That the Variance, if granted, will not alter the essential character of the neighborhood; and
4. That the hardship is not self-directed.

If anyone or more of the above factors is not proven, State law requires that the ZBA must deny the Variance.

Must the Variance, if granted, be exactly what was applied for by the applicant?
Whether the ZBA decides to grant a Use Variance, State law requires the ZBA to grant the minimum variance necessary to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety and welfare of the community. For these same reasons, the ZBA may also impose reasonable conditions on the granting of any variance.

It shall also be understood that a property owner is not entitled to a Use Variance simply because the zoning ordinance prescribes the “highest and best” use of his/her land. The ZBA shall not grant a Use Variance solely on the grant that the variant use will yield a higher return than those permitted by the zoning regulations, or allow the property owner to compete more successfully in the market.

Will the ZBA make a decision the night of the hearing?
Once the hearing is closed, the ZBA may begin discussing the case and reach a decision, or may postpone discussion and/or its decision until a later meeting. If the ZBA deems it necessary, the hearing may be reopened at any time. Once the hearing has been finally closed, the ZBA must make its decision with 62 days.

Application Checklist: The following is required for a hearing and appeal to take place.
1. $50.00 check payable to: Town of Seneca Falls
2. Zoning Permit for denial purpose giving the right to appeal

Please make ten (10) collated copies of each document except for the application fee, and submit the application package to the Town’s Code Enforcement Officer.

☐ Completed Application form  ☐ Site Plan/Survey Map
☐ Statement of Hardship  ☐ Environmental Assessment Form (BAF)
☐ Application Fee  ☐ Construction Drawings for Proposed Project
☐ Agricultural Data Assessment  ☐ Competent Financial Evidence
PROCEDURE TO PETITION FOR VARIANCE

1. Apply for Zoning Permit. If denied, a written Petition for a Variance must be submitted to the Town Clerk within 45 days with a filing fee of $50.00; payable to Town of Seneca Falls.

2. Petition for a Variance should contain the following:
   
a) Name and address of the appellant.
b) Name and address of the owner of the lost to be affected by such proposed appeal.
c) Description and location of the lost to be affected by such proposed appeal. Also, copy of Tax map which can be obtained from the Town Assessor.
d) Statement of the present zoning classification of the lost in question, the improvements thereof, and the present use thereof.
e) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof.
f) A sketch plan (plot plan) of the real property to be affected, indicating the location and size of the lot and the size of any improvements thereon or proposed to be erected.
g) Petition must contain sufficient allegations to comply with the relief requested depending upon the type of relief sought, i.e. use or area variance. This information should be sufficiently complete to meet the burden upon the Petitioner to convince the appropriate Board that the relief requested may legally be granted pursuant to the process.
h) Petition must have proper verification and must be signed and notarized.
i) Short Environmental Assessment Form- Part 1, must be completed and submitted with the Variance Application.

3. The Town Clerk will submit the Petition for a Variance to the Seneca County Planning Board for their review and recommendation. Use Variances will also be submitted to the Town Planning Board for review.

4. After review by the Seneca County Planning Board, the Zoning Board of Appeals will hold a Public Hearing within 45 days. Notice of this Public Hearing will be advertised in The Reveille at least 5 days prior to the Hearing, and all property owners within 500 feet of the property will be notified by mail.

5. If Variance is granted, one must apply for a new Zoning permit.

*If you have any questions, call the Town Clerk at 315-568-8013*
AUTHORIZED REPRESENTATIVE FORM

WHEN TO USE THIS FORM: This Authorized Representative form is enclosed if the owner would like someone to represent him/her/they at the public meeting and hearing. Please complete this form and submit it to this Town’s Code Enforcement Officer. The owner is responsible to notify his/her/their representative of the time and place of the public meeting and hearing.

Owner’s Name: __________________________________________

Owner’s Address: _________________________________________

Owner’s Phone No.: _______________________________________

Representative’s Name: _____________________________________

Representative’s Address: __________________________________

Representative’s Phone No.: ________________________________

The Owner hereby permits the Authorized Representative to act on his/her/their behalf regarding an application submitted to the Town of Seneca Falls, New York. Such Owner authorizes this Town to release any or all information relating to this application to this Authorized Representative.

Owner’s Signature: _______________________________________

Date of Signature: _________________________________________

STATE OF NEW YORK )

SS.: ______________________________________________________

COUNTY OF )

On this ______ day of ______________________, 20__, before me personally came ______________________________, to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same.

_________________________________________________________
Notary Public
Town of Seneca Falls, NY
APPLICATION FOR ZONING PERMIT
Incomplete Applications will not be processed — please fill out completely
NOTE: A Seneca County BUILDING Permit may be required before beginning work

Date:______________________________________________________

Property Owner:___________________________________________

Lot Address:______________________________________________

Project Cost:______________________________________________

Contractor:_______________________________________________

Phone No.:_______________________________________________

Application to:____________________________________________

Office Use Only

Fee:________________________

Permit #:____________________

HPC Apv:____________________

ZBA Apv:____________________

Plng Apv:____________________

Tax Map #:___________________

Yes / No - Is this a corner lot? _________________________________

Yes / No - Will work affect drainage flow? _______________________

Yes / No - Is lot in Historic District? ____________________________

Application □ Approved □ Disapproved

Reason for Denial:

□

Zoning Officer’s Signature

POST ALL PERMITS IN A WINDOW THAT IS VISIBLE FROM THE ROAD

Insurance

Application is hereby being made to the Zoning Enforcement Officer for the issuance of a Zoning Permit pursuant to the Zoning Ordinances of the Town of Seneca Falls and to Section 57 of the Workman’s Compensation Laws of the State of New York. The Applicant agrees to comply with all applicable laws, ordinances and regulations of the Town, County, State and Federal Governments.

[ ] Pursuant to Section 57 of the Workers’ Compensation Law and Section 220, Subdivision 8 of the Disability Benefits Law, Employers of Labor must submit with this application proof of such coverage.

A permit will not be issued without filing of said Certificate of Insurance.

[ ] I hereby certify that I do not need Workers’ Compensation Insurance because I am an individual owner or partner with no employees and not a Corporation.

Project Description

ON THE REVERSE SIDE OF THIS APPLICATION or as AN ATTACHMENT, SHOW THE FOLLOWING:

Locate clearly and distinctly to scale all Buildings existing and proposed. Show proposed by dotted lines or color. Show all dimensions of buildings. Show Street Names and adjacent Property Owner names. Indicate NORTH and exact size of lot. Show building setbacks and heights. Rough out dimensions and setbacks. Provide one complete set of plans showing proposed construction and specifications. Include a copy of a survey map or tape location map. (Use additional paper if needed).

Certification

I hereby certify that I have examined this application and supporting attachments and know the same to be true and correct. All provisions of the laws and ordinances covering this type of work or use will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or Local Law or Ordinance regulating construction of performance of constructions.

Zoning Application (Rev. 2018)

SIGNATURE (Applicant/Owner)
USE VARIANCE APPLICATION FORM

WHEN TO USE THIS FORM: This form is to be used by an owner seeking an appeal for the use of land in a manner that is not allowed by the dimensional or physical requirements of the applicable zoning regulations prescribed within the Code of the Town of Seneca Falls. The applicant is responsible for complying with the established rules and procedures which are available for inspection from the ZBA Secretary.

Contact Information:

Owner(s) Name: ____________________________

Owner(s) Address: ____________________________

Owner(s) Phone No.: ____________________________

Real Property Information:

Address of Property: ____________________________

Brief Summary of Area Variance Request:

Zoning: The Code Enforcement Officer can fill in the Zoning District if unknown.

Zoning District: ____________________________ Lot Coverage (%): ____________________________

Front Setback (feet): ____________________________ Side Setback (feet): ____________________________

Rear Setback (feet): ____________________________ Total Sides Setback (feet): ____________________________

ZBA-Area Variance/Area Variance Application
STATEMENT OF HARDSHIP

1. Whether the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

2. Whether the alleged hardship relating to the property is question is unique, and does not apply to a substantial portion of the applicable zoning district or neighborhood.

3. Whether the requested Use Variance, if granted, will not later the essential character of the neighborhood.

4. Whether the alleged difficulty is self created.
DISCLOSURE AFFIDAVIT (GML SECTION 809)

The Applicant has read and is familiar with the provisions of the General Municipal Law, Section 809, which states:

A. Every application, petition or request submitted for a variance, amendment, change of zoning approval of plat, exemption of plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality or a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

B. For the purpose of this section of State law, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
   1. Is the applicant;
   2. Is an officer, director, partner or employee of the applicant;
   3. Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; or
   4. Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

C. Ownership of less than five per cent of the Stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

If a Town of Seneca Falls officer, employee or relative of either as defined in the General Municipal Law, Section 809, has any interest in this application, the full particulars are provided on an attached sheet.

OWNER'S AGREEMENT TO CONTENTS OF APPLICATION

It is hereby understood that the contents of this entire application is hereby subscribed by the property owner, all matters understood and agreed to, and is hereby affirmed by the owner as true under the penalties for perjury.

Property Owner's Signature: ____________________________

Property Owner’s Name: ______________________________

ZBA-Area Variance/AuthRep
AGRICULTURAL DATA STATEMENT

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.

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Owner (if different from Applicant)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Street Address:</td>
<td>Street Address:</td>
</tr>
<tr>
<td>City/State/Zip:</td>
<td>City/State/Zip:</td>
</tr>
</tbody>
</table>

1. Type of Application:
   - [ ] Special Use Permit
   - [ ] Site Plan Approval
   - [ ] Use Variance
   - [ ] Subdivision Approval

2. Description of Proposed Project:

3. Location of Project:
   - Address: ____________________________
   - Tax Map Number (TMP): ________________

4. Is this parcel within an Agricultural District?  [ ] Yes  [ ] No
   (Check with your local Assessor of you do not know)

5. If YES, Agricultural District Number: ________________

6. Is this parcel actively farmed?  [ ] Yes  [ ] No

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

<table>
<thead>
<tr>
<th>Farm</th>
<th>Farm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Street Address:</td>
<td>Street Address:</td>
</tr>
<tr>
<td>City/State/Zip:</td>
<td>City/State/Zip:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this parcel actively farmed?</th>
<th>Is this parcel actively farmed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Yes  [ ] No</td>
<td>[ ] Yes  [ ] No</td>
</tr>
</tbody>
</table>

Signature of Applicant ____________________________  Signature of Owner ____________________________

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.
**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.

<table>
<thead>
<tr>
<th>Part 1 - Project and Sponsor Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of Action or Project:</strong></td>
</tr>
<tr>
<td><strong>Project Location (describe, and attach a location map):</strong></td>
</tr>
<tr>
<td><strong>Brief Description of Proposed Action:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Name of Applicant or Sponsor:</strong></th>
<th><strong>Telephone:</strong></th>
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<tbody>
<tr>
<td></td>
<td><strong>E-Mail:</strong></td>
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</table>

<table>
<thead>
<tr>
<th><strong>Address:</strong></th>
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<table>
<thead>
<tr>
<th><strong>City/PO:</strong></th>
<th><strong>State:</strong></th>
<th><strong>Zip Code:</strong></th>
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</thead>
</table>

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.

<table>
<thead>
<tr>
<th><strong>NO</strong></th>
<th><strong>YES</strong></th>
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</table>

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:

<table>
<thead>
<tr>
<th><strong>NO</strong></th>
<th><strong>YES</strong></th>
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</table>

3.a. Total acreage of the site of the proposed action?
   b. Total acreage to be physically disturbed?
   c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?

<table>
<thead>
<tr>
<th><strong>acres</strong></th>
<th><strong>acres</strong></th>
<th><strong>acres</strong></th>
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</table>

4. Check all land uses that occur on, adjoining and near the proposed action.

<table>
<thead>
<tr>
<th><strong>Urban</strong></th>
<th><strong>Rural (non-agriculture)</strong></th>
<th><strong>Industrial</strong></th>
<th><strong>Commercial</strong></th>
<th><strong>Residential (suburban)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Forest</strong></td>
<td><strong>Agriculture</strong></td>
<td><strong>Aquatic</strong></td>
<td><strong>Other (specify):</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Parkland</strong></td>
<td></td>
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Page 1 of 3
<p>| | | |</p>
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</thead>
</table>
| 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 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? | 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 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 | NO | YES |   |
| 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: __________________________________________________________

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
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<tbody>
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</table>

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: __________________________________________________________

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
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<tbody>
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</table>

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: __________________________________________________________

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
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</table>

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: _____________________________ Date: _____________________________
Signature: ________________________________________
### 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?”

<table>
<thead>
<tr>
<th>Question</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2. Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>7. Will the proposed action impact existing:</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>a. public / private water supplies?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b. public / private wastewater treatment utilities?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>11. Will the proposed action create a hazard to environmental resources or human health?</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
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

Print or Type Name of Responsible Officer in Lead Agency

Signature of Responsible Officer in Lead Agency

Date

Title of Responsible Officer

Signature of Preparer (if different from Responsible Officer)