

**TOWN of PREBLE
ZONING BOARD of APPEALS
VARIANCE APPLICATION**

Date _____

Applicant Telephone Number _____

TO: The Zoning Board of Appeals, Preble New York

I (We) _____ of
(Name of Applicant)

(Street and Number)

(Municipality)

(State)

hereby appeal to the Zoning Board of Appeals the decision of the Zoning Officer on
Application for Building (Zoning) Permit No. _____, Date _____, whereby the
Zoning Officer:

() Granted () Denied

To: _____ of

(Street and Number)

(Municipality)

(State)

Tax Map Number: _____

Owner of Property: _____

() A Building Permit () A Zoning Permit

To be filled out by Building Inspector/Code Enforcement Officer

- Type of variance sought:
() AREA
() USE
- Town of Preble Zoning Ordinance pertaining to this variance action:
Section: _____
Paragraph: _____
- Property Zone District (AG, R1, R1L, C, I) pertaining to this variance action:
Zone District: _____
- Codes Officer reason for applicant to seek this variance action:

**TOWN of PREBLE
ZONING BOARD of APPEALS
VARIANCE APPLICATION**

1. Location of property to which this appeal applies:

(Street and Number)

2. Type of Appeal: Appeal is made herewith for:

- () An interpretation of the Zoning Laws or Zoning Map
() An **AREA** variance from the Zoning Law
() A **USE** variance from the Zoning Law

3. 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 and was (were) made in:

Appeal No: _____, Dated: _____

Appeal No: _____, Dated: _____

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Applicant/Agent **shall** be present at the Public Hearing. This application, accompanying fee and all supporting documents **shall** be completed and submitted to the Zoning Board of Appeals no later than two (2) weeks prior to the date that the request is to be considered. Refer to the Preble Town website at <http://www.preble-ny.org/> for the meeting schedule.

4. Reason for appeal (Attach extra sheets as necessary)

Describe the details of the variance or exception applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Describe fully the use contemplated, and the physical characteristics of the property as they relate to zoning issues, providing number of tenants, employees, users, and off-street parking spaces. A dimensional plot plan clearly illustrating the location and outlines of all buildings on the property, and lot-lines is required, as well as elevation drawings for new construction. Such drawings and/or plans **shall** be submitted on 8½" x 11" sheets, suitable for reproduction.

**TOWN of PREBLE
ZONING BOARD of APPEALS
VARIANCE APPLICATION**

- a) Applicants for **USE** variances must demonstrate that applicable zoning regulations and restrictions have caused unnecessary hardship.

In order to prove such unnecessary hardship the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- (1) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

- (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

- (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood;

- (4) That the alleged hardship has not been self-created.

**TOWN of PREBLE
ZONING BOARD of APPEALS
VARIANCE APPLICATION**

- b) Applicants for **AREA** variances must address the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The following five factors must be addressed:

- 1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of 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 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; and

- 5) Whether the alleged difficulty was self created;

The last factor **shall** be relevant to the decision of the Board of Appeals, but **shall** not necessarily preclude the granting of the AREA variance.

I certify that the information submitted with this appeal is true to the best of my knowledge and belief.

(Signature of Applicant *)

* Only owner(s) of the property or contract vendees to which this appeal applies, or agents designated in writing by such owner(s), may sign this application.

**TOWN of PREBLE
ZONING BOARD of APPEALS
VARIANCE APPLICATION**

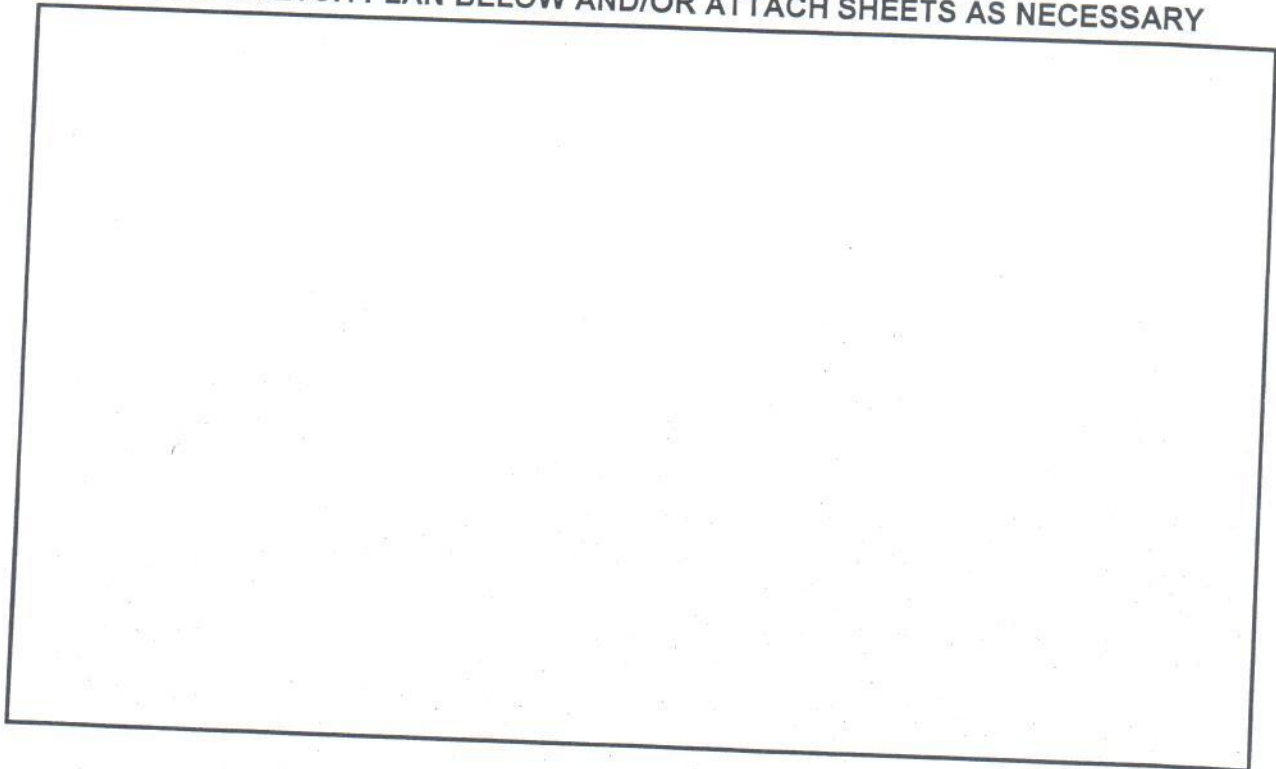
ON _____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC OF THE STATE OF NEW YORK, COUNTY OF _____, PERSONALLY APPEARED, PERSONALLY KNOWN TO ME, OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE INDIVIDUAL WHOSE NAME IS SUBSCRIBED WITHIN THIS APPLICATION. ALL STATEMENTS CONTAINED HEREIN ARE TRUE TO THE BEST OF HIS/HER KNOWLEDGE AND BELIEF, AND THAT ALL WORK WILL BE PERFORMED AND FOR THE USE OF THE WAIVER **SHALL** BE IN THE MANNER SET FORTH IN THE APPLICABLE LAWS ORDINANCES, RULES AND REGULATIONS OF STATE, TOWN AND/OR VILLAGE.

(APPLICANT SIGNATURE)

SWORN TO BEFORE ME THIS _____ DAY OF _____ YEAR _____

(NOTARY PUBLIC)

PLEASE SKETCH PLAN BELOW AND/OR ATTACH SHEETS AS NECESSARY



**TOWN of PREBLE
ZONING BOARD of APPEALS
VARIANCE APPLICATION**

ATTACHMENTS

Attachments to this form shall include:

- 1) Additional sketches, drawings or photos that are required to adequately describe and depict the project for which the requested variance is being sought.
- 2) Properly filled-out State Environmental Quality Review (SEQR) forms as required.
- 3) Copy of application for Building Permit which was denied (as required)

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?	NO ☐		YES ☐
b. Is the proposed action located in an archeological sensitive area?	☐		☐
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?	NO ☐		YES ☐
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: _____	☐		☐
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