

VARIANCE PROCEDURE

1. MEET WITH CODES OFFICER TO DISCUSS NEED FOR VARIANCE AND TYPE OF VARIANCE NEEDED.
2. APPLICANT REQUESTS TO BE PUT ON THE AGENDA OF THE PLANNING BOARD AND ZONING BOARD OF APPEALS BY THE TOWN CLERK.
3. APPLICANT MUST FILL OUT SEQR, VARIANCE AND ZONING PERMIT APPLICATIONS AND SUBMIT TO THE TOWN/VILLAGE CODES OFFICER, WITH CURRENT SURVEY INCLUDING PROPOSED CHANGES THAT REQUIRE THE REQUESTED VARIANCE DRAWN ON MAP, BY THE DATE DETERMINED BY THE TOWN CLERK (THREE TO FIVE WEEKS BEFORE THE ZBA MEETING). THE FEE WILL BE PAYABLE TO THE TOWN CLERK AT THE TIME OF THE APPLICATION. APPLICANT WILL BE NOTIFIED OF THE DATE AND TIME OF THE PLANNING BOARD AND ZBA. CODES OFFICER WILL COMPLETE A NOTICE OF ACTION ON THE APPLICATION.
4. WHERE NECESSARY, APPLICATION WILL BE FORWARDED TO THE MADISON COUNTY PLANNING DEPT. FOR ITS RECOMMENDATION (REQUIRES 30 DAY LEAD TIME).
5. TOWN PLANNING BOARD REVIEWS APPLICATION AND RECOMMENDATION FROM MADISON COUNTY AND FORWARDS ENTIRE APPLICATION TO THE ZONING BOARD OF APPEALS WITH ITS RECOMMENDATION. ZBA WILL HOLD A PUBLIC HEARING AND REVIEW APPLICATION.
6. AFTER VARIANCE IS APPROVED, APPLICANT SHALL MEET WITH CODES OFFICER FOR NECESSARY PERMITS.

*Town of Lenox, NY
Monday, June 9, 2014*

Chapter 134. ZONING

Article VII. Enforcement; Administration; Amendments

§ 134-62. Granting of variances.

- A. No variance in the strict application of any provision of this chapter shall be granted by the Board unless it finds:
- (1) Strict application of the chapter would produce undue hardship and that the hardship is not self-created.
 - (2) The hardship is unique and is not shared by all properties alike in the immediate vicinity of the property and the district.
 - (3) The variance would observe the spirit of this chapter and would not change the character of the district, be injurious to the neighborhood or otherwise detrimental to public welfare.
 - (4) The variance would observe the intent of the Comprehensive Plan.
 - (5) The variance is the minimum necessary to grant relief.
- B. Procedure for interpretation variance.
- (1) The Board of Appeals shall act in strict accordance with the procedure specified by the law and by this chapter. All applications made shall be in writing, on forms prescribed by the Board. Every application shall refer to the specific provision of the chapter involved and shall set forth the interpretation claimed or details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
 - (2) At least 30 days before the date of the public hearing, the Secretary shall transmit to the Planning Board a copy of the application and notice of hearing. The Planning Board shall submit a report of its advisory opinion prior to the hearing. Failure of the Planning Board to submit a report shall signify its approval of the application.
 - (3) Owners of property within 200 feet of the proposed variance shall be notified by mail at the same time the public hearing notice is given to the newspaper prior to public hearing.

APPLICATION TO PLANNING BOARD/ZONING BOARD OF APPEALS
TOWN OF LENOX

Fee for Variance application- \$30.00

Paid _____

Date of application _____.

Application # _____.

For:

1. Interpretation of Zoning Ordinance, Variance: Code section _____
2. Special use permit: Section _____
3. Area/Use Variance: _____
4. Appeal of interpretation or action of Zoning Officer: _____

Description: _____

Owner of Property: _____

Address of Owner: _____

Applicant (if different): _____

Address: _____

Phone, Email: _____ Tax ID of Property: _____

Justification for request _____

Owner shall provide supporting material to include: Plans, maps or any other documents relevant to this request.

Signature of Property Owner _____

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.			
<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			

		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 Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____		NO	YES	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] 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: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> 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.

<input type="checkbox"/> 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.	
<input type="checkbox"/> 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)