VILLAGE OF WALDEN

ZONING BOARD OF APPEALS

AREA VARIANCE APPLICATION

NOTE: This application will not be placed in front of the Zoning Board of Appeals until the application has been deemed complete, and all comments are received from outside agencies.

ZONING BOARD OF APPEALS AREA VARIANCE APPLICATION

1. GENERAL INSTRUCTIONS:

The Village Staff will advise you about the procedure and help you as much as possible; However you must do the work. Attached is a copy of Section 305-54, Variances, for your convenience. The standards are contained within this Section that must be met to allow the granting of a Use Variance, however just by applying for the Use Variance does not guarantee a Use Variance will be granted. Every application is taken on a case by case basic, and the applicant Should prior to submitting the application to the Zoning Board, consult with an attorney to be sure all information needed has been provided within the application.

305-54- VARIANCES

A. Except as otherwise provided in this chapter or the Village Law, the jurisdiction of the Zoning Board of Appeals is appellate only and is limited to hearing and deciding appeals from reviewing any order, requirement, decision, interpretation or determination made by the Building Inspector. On appeal from the decision or determination of the Building Inspector, the Board shall have the power to grant use variances and area variances as specified in Subsection C of this section.

B. GUIDING PRINCIPES:

- (1) Every decision by the Zoning Board of Appeals granting a variance shall clearly set forth the nature and extent of such variance.
- (2) Every variance granted by the Zoning Board of Appeals may be subject to conditions and safeguards as the Board shall deem to be applicable to the particular case. Violations of such conditions or safeguards are a part of the Board's decision shall be deemed a violation of this chapter, punishable under the provisions of 305-65.
- (3) Any variances granted by the Zoning Board of Appeals pursuant to the provisions of this section shall be construed to be a non-conforming use.

C. GENERAL STANDARDS:

(1) Use Variances. NO use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that APPLICABLE ZONING REGULATIONS AND RESTRICTIONS HAVE CAUSED UNNECESSARY HARDSHIP. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence.
- (b) 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.
- (c) That the requested use variance, if granted will not alter the essential character of the neighborhood.
- (d) That the alleged hardship has not been self-created.
- (2) Area Variance. In making its determination on an application for an area variance, the Zoning Board of Appeals shall take into consideration 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. In making such determination, the Board shall consider whether:
 - (a) 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.
 - (b) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - (c) The requested area variance is substantial.
 - (d) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - (e) The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance.
 - (3) In granting use or area variances, the Board shall grant the MINIMUM VARIANCE that it shall deem necessary and adequate and at the same time reserve and protect the character of the neighborhood and the health, safety and welfare of the community.

VILLAGE OF WALDEN Zoning Board of Appeals

AREA VARIANCE

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Owner ::						•
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Enclosed is my Non-refundable fee of \$ my application is submitted, or the applica	, which I realize must be paid at the time ation will not be processed.
Received On, 20	
BY:	
Signature of Applicant	
STATE OF NEW YORK	
COUNTY OF ORANGE Sworn to before me this day	y of 20
Notary Public	
	PROXY
	being duly sworn, deposes and says:
He/She resides at	, in the County of
And the State of	, and the he/she is the owner in fee of
	which are the premises described in the foregoing
application and that he/she has authorize to make the foregoing application as desc	
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	Owners Signature
	Owners signature
Sworn to before me this day Of 20	
Notary	

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of New York, and of the Penal provisions thereof as well, the undersigned applicant states that

no State Officer, Cfficer or Employee of this municipality, or of the Town or County of which it is a probability of the Town or County of which it is a probability of the Town or County of which it is a probability of interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated: () None () Names: Address: Relationship or interest (financial or otherwise):					
and reque	his disclosure addendum statement is st made by the undersigned applicant inicipality.) (Village) (Town Board)) Zoning Board of Appeals) Building Inspector	annexed to and made a part of the petition, application to the following Board of Officer or Political Subdivision () Planning Board () Zoning Enforcement Officer () Other			
	<u>.</u>	Individual Applicant Corporate or Partnership Applicant By:			

"Section 809. Disclosure in certain applications:

1. Every application, petition or request submitted for a variance, amendment change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant tothe 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 of which such municipality is a part, in the person, partnership or association making such application, petition or request (bereinafter called the applicant) to the extent known to such applicant.

(Pres.) (Partner) (Vice-Pres.) (Sec.) (Treas.)

2. For the purpose of this section an officer or a slayee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sie. s, parents, children, grandchildren, or the spouse of any of them:

(a) is the applicant, or

(b) is an officer, director, partner or employee of the applicant, or

(c) legally or beneficially owns or .. ntrols stock of a corporate applicant or is a member of a

partnership or association applicant, or

- (d) is a part 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.
- 3. Ownership of less than five percent 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.
- 4. A person who knowing and intentional lates this section shall be guilty of a misdemeanor."

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 ma	p):		••		•	.
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Brief Description of Proposed Action:		•	•			
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Name of Applicant or Sponsor:		Tele	phone:	•	,	
		EM	[ail:			
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Address:	•					
City/PO:		•	State:	Zip	Code:	
				l		:
1. Does the proposed action only involve the legisl	ative adoption o	f a plan, local	aw, ordinance,	•	NO	YES
l t t t t 1						
I vove a super a managine description of the intent of	of the proposed a	ction and the e	nvironmental resou	irces that	Ш	
may be affected in the municipality and proceed to	Part Z. II no, o	printing to does	MOR Z.			
2. Does the proposed action require a permit, appr	roval or funding	from any other	governmental Age	ncy?	NO	YES
If Yes, list agency(s) name and permit or approval	:					
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3.a. Total acreage of the site of the proposed action	n?		acres			
t man a second to be physically disturbed?	•		acres			
c. Total acreage (project site and any contiguous	cors bloberiies) omr	ica	acres			
or controlled by the applicant or project spons		-				
4. Check all land uses that occur on, adjoining an	d near the propo	sed action.	·		···	
4. Check all land uses that occur on, adjoining and Urban Rural (non-agriculture)	Industrial	Commerci:	al Residential ((suburban)		
	Aquatic	Other (spec		- •		
☐Forest ☐Agriculture	terms of advances	(v)	···-//·			
☐ Parkland		•	•			
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F. I. the approach of the	7		N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	屵
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 Ar If Yes, identify:	ea?	NO	YES
		<u></u>	سا
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?		崮	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac	tion?		
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?		NO	YES
If No, describe method for providing potable water:			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			
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, conta 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 Shoreline Forest Agricultural/grasslands Early mid-success Wetland Urban Suburban	all that : sional	apply:	•
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?			
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,		NO	YES
a. Will storm water discharges flow to adjacent properties?			
b. Will storm water discharges be directed to established conveyance systems (runoff and storm dra If Yes, briefly describe:	ins)?		

18. Does the proposed action include construction or other activities that resultin the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain purpose and size:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	· []	
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUEADD ACCURATE TO THE KNOWLEDGE	BEST C)FMX
Applicant/sponsor name: Date:	<u>.</u>	
Signature:		
Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all questions in Part 2 using the information contained in Part 1 and other materials submitted by the project spo otherwise available to the reviewer. When answering the questions the reviewer should be guided by the corresponses been reasonable considering the scale and context of the proposed action?"	nsor or	
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small impa 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 oftraffic 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?	to ct in	large npact may

		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		
Pt	rint 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)		