

**TOWN OF LIVINGSTON
ZONING BOARD OF APPEALS**

119 County Route 19
Livingston, N.Y. 12533
Phone (518) 851-9441
Fax (518) 851-2466

APPLICATION NO. _____

**APPLICATION TO THE ZONING BOARD OF APPEALS
TOWN OF LIVINGSTON, NEW YORK
REQUEST FOR *USE* VARIANCE(S)**

(TYPE, OR PRINT IN DARK INK)

I. PROPERTY ADDRESS: _____

SBL# (Section-Block-Lot): _ _____

ZONING DISTRICT: _____

II. PROPERTY OWNERSHIP:

NAME OF OWNER: _____

ADDRESS: _____

III. APPLICANT INFORMATION:

APPLICANT NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

(IF THE APPLICANT IS NOT THE OWNER, WRITTEN PROOF THAT THE OWNER
CONSENTS TO THE APPLICATION MUST BE SUBMITTED WITH THE APPLICATION.)

IV. SUBJECT TO APPEAL (If applicable)

Pursuant to the provisions of the Zoning Code of the Town of Livingston, this application, relative to the above referenced property, constitutes an appeal from the decision of the Zoning Administrator/Building Inspector _____.
(name)

A copy of this decision, dated _____, must be attached.

V. APPEAL REQUEST

This appeal takes the form of a request for:

Use Variance(s)

Please be advised that all sections under this heading must be answered completely. Bear in mind that a variance is actually relief from the strict application of the requirements of the law (the Zoning Ordinance), and the Zoning Board of Appeals is required to give sound reasons, based on the criteria set forth in this application, for granting any such relief. It is incumbent upon the applicant to demonstrate to the Board that all of the four test criteria below are satisfied. Additional sheets may be attached. Please also note carefully the list of required attachments in section VII of this application.

VI. VARIANCE REQUEST

I/We _____, hereby apply to the Zoning Board of Appeals for a Variance to use the subject property as follows:

(1) The granting of the variance is necessary in order for me to realize a reasonable return on the property and my lack of return is substantial, as demonstrated by the following competent financial evidence and attached documentation: (You must show, for example, that the property cannot be used or sold or leased for any permitted use, how you have actively tried to use, sell or rent for each use permitted, ex. ads, listings, and actual dollars and cents proof, through documentation, of how much money you would lose if no variance is granted.)

(2) The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood: (You must show, for example, that the hardship applies only to your property and not to substantial portion of properties in district; that the hardship is not a general problem throughout district; that the hardship is unique to your property.)

(3) The requested use variance, if granted will not alter the essential character of the neighborhood: (You must show, for example, that parking or traffic patterns, noise levels and lighting will not change, that the outward appearance of property will not change; that the use will not be out of harmony with district.)

(4) The alleged hardship was not self created: (You must show, for example, that you purchased the property subject to restrictive zoning and that the zoning was adopted subsequent to your purchase of property.)

If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance.

VII. LIST OF ATTACHMENTS

1. Site or Plot Plan: Seven (7) copies.
2. Financial (Economic) Statement. This statement should not be personal in nature. The data provided should relate directly to the property in question and should illustrate the economic injury or undue hardship suffered in the absence of the variance.
3. Letter or communication which resulted in application to the ZBA (if applicable).
4. List of abutting property owners, by name, address and SBL number.
5. Letter of owner consenting to application (if applicable).
6. Type I Action Only – Original and six (6) copies of the SEQRA FULL ENVIRONMENTAL ASSESSMENT FORM, 617.20, Appendix A, with Part I completed.
7. Unlisted Actions Only – Original and six (6) copies of SEQRA SHORT ENVIRONMENTAL ASSESSMENT FORM, 617-20, Appendix B, with Part I completed (Attached)
8. Other attachments deemed pertinent by the applicant (please list):
 - (a) _____

(b) _____

(c) _____

(d) _____

VIII. SIGNATURE AND VERIFICATION

Please be advised that no application can be deemed complete unless signed below.

I hereby certify that the information enclosed herewith and on the application is accurate and factual:

Signature of Applicant: _____ Date: _____

I the record owner do hereby authorize _____

to represent me before the Zoning Board of Appeals during the use

variance process:

Signature of Applicant: _____ Date: _____

February 2015

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				

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? 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: <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	

<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)