



TOWN OF CAZENOVIA • 7 ALBANY STREET • CAZENOVIA • N Y 13035 • 315-655-9213

Deposit Fee:

\$ _____

Application Fee:

\$ _____

**CRITERIA NECESSARY TO DEMONSTRATE TO THE
ZONING BOARD OF APPEALS THE LEGITIMACY OF:**

A USE VARIANCE

An applicant for a Use Variance must demonstrate to the Board of Appeals that the zoning has caused unnecessary hardship, which is defined to require a showing:

1. That under the applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property, and
2. That the hardship is unique, and does not apply to a substantial portion of the district or neighborhood, and,
3. That the variance will not alter the essential character of the neighborhood, and
4. That the hardship is not self-created.

AN AREA VARIANCE

Town Law Section 267-b(3)

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 new variance.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
3. Whether the requested 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.
5. Whether the alleged difficulty was self-created (that it was, will not necessarily preclude the granting of the area variance).

TOWN OF CAZENOVIA FORM OF APPEAL OR APPLICATION

An appeal or application must be in writing and on file in the Town Clerk's office during regular business hours FIFTEEN (15) days prior to the regular scheduled Town Planning Board meeting and contain or include the following:

1. Name and address of the petitioner and his relationship to the subject property, i.e., whether he is owner, lessee, etc.
2. Legal description of subject property and its street address.
3. Zone in which the subject property is located.
4. What permit, determination, ruling, interpretation or variance is sought, setting forth the articles and sections of the said ordinance under which the appeal or application is submitted.
5. SITE PLAN MAP showing:
 - a. North Arrow, scale of map
 - b. Location and accurate dimensions of existing and proposed structures; parking areas; and available utilities
 - c. Location of County or State facility or Corporate Village Line
 - d. Zoning classification of proposal
 - e. Surrounding land use (within 200' of subject property lines)
 - f. Surrounding zoning classifications(A certified plot plan may be required where boundary is an issue. Site plan approval may be conditional pending completed plans.)
6. Descriptions of the proposed use and the exterior construction and appearance of the proposed buildings and structures (Blueprints of proposed structure may be required)
7. Whether or not an application has been made to the Zoning Enforcement Officer and the date and nature of the disposition made by him.
8. Whether or not an application has been made to the Planning Board and the date and nature of the disposition made by it.
9. Decision by the Madison County Planning Board if applicable.
10. Grounds of the appeal or application.
11. Names and addresses of all owners of land which immediately adjoins the subject property or which abuts the same street or streets as such property and is within 500 feet of the exterior boundaries of such property (exclusive of street rights-of-way). A sample copy and date of their notification shall be supplied.(see page 6 for details)
12. The deposit and application fees MUST be paid at the time application is submitted to the Town Office.

DEVELOPMENT & PROJECT DEPOSIT FEES SCHEDULE

Relative to: Local Law No. 3 - 2006 (adopted 10/2/06)

Local Law No. 3 - 2007 (adopted 2/12/07)

The following fees must be placed on account with the Town of Cazenovia at the time of application submittal.

Variances:

Area Variance.....\$200.00 per app
 Use Variance.....\$500.00 per app
 Special Use Permit.....\$250.00 per app

Cell Towers: fee is NON-REFUNDABLE

New Tower.....\$3,500.00 per app
 Co-location.....\$750.00 per app

Escrow fees to offset legal, engineering, and other professional consultation expenses for any project before the Town of Cazenovia Boards (Town Board, Planning Board, Zoning Board of Appeals) are collected and placed in a separate escrow account at the time of application to the Board(s). The balance is returned to the applicant approximately 45 days after the completion of the project - or, if more funds are needed, a written request will be made.

The Development & Project Fee must be submitted in a separate check payable to the Town of Cazenovia.

In recent years, most Central New York towns and villages have enacted laws which require applicants for zoning relief to reimburse the municipality for professional fees associated with the review of such applications. In Cazenovia, Local Law 3-2006 would require that applicants for special permits, variances, site reviews and subdivisions as well as developers who construct new roads, drainage facilities, utilities or parks who apply for a new or extended special district, reimburse the Town for all engineering and legal expenses associated with the process. This reimbursement is completely separate from any application fees (which are used to offset the costs of the Codes Office, the ZBA and the Planning Board). The philosophy behind this reimbursement law is that applicants, the persons who will benefit from the application if approved, should pay the costs associated with the review process rather than the Town's taxpayers who receive no direct benefit from the application.

Normally, the attorneys review the application for compliance with Town requirements, review and help to guide the Boards through the environmental review process, prepare necessary documents for environmental review, prepare certain referrals to the County Planning Board, if required by statute, advise the Board with respect to legal issues involved and prepare resolutions as needed. Most applications require some, if not all of these items. If the application warrants, as determined by the reviewing Board, the application will be referred to the Town Engineers for review and recommendation. Normally, issues involving drainage or traffic will lead to engineering involvement.

At the time your application is submitted to the Town, you must also submit the required deposit AND any pertinent application fee(s). The reviewing Board will not accept your application as complete nor will it process your application unless the application fee and the development deposit are delivered to the Town.

Developer deposits are an estimate of what it will take to complete a review of your application under normal circumstances. If the deposit is exceeded, you will be required to pay additional amounts. If there is a balance left after final action by the Town, it will be returned to you. You are only required to pay fees that are reasonable and necessary. This is not a "blank check" process. A formal review procedure exists for any questions you may have regarding professional billings.

Engineering and legal costs can be minimized by the submission of complete applications, including required plans in the detail required by the zoning law or subdivision regulations, as the case may be. Copies of relevant Town laws, including the Developer Fees Law, can be obtained from the Town Clerk's Office.

**Cazenovia Town Board
Resolution No. 29
unanimously adopted 3/8/04**

- 1. All applicants, and their agents, including lawyers, engineers, surveyors, etc, with projects before the Planning Board, Zoning Board of Appeals, and Town Board, must supply at least two complete and identical copies of all maps, plans, drawings, engineering reports, or any paper document that cannot be easily reproduced on-site by the Town of Cazenovia Office.**
- 2. Upon arranging the sign-out of the documents with the Town Office, any interested party may borrow the duplicate copy for the purpose of reproduction and/or study, for a period not to exceed three days.**
- 3. This policy is to go into effect immediately and pertains to all current projects before the Planning Board, Zoning Board of Appeals, and Town Board, as well as future projects.**

TOWN OF CAZENOVIA

**APPLICATION FOR USE VARIANCE,
SUBDIVISION/CONTROLLED SITE/SPECIFIC PERMIT**

1. The property is within an Agricultural District containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an Agricultural District:

_____ YES _____ NO

2. If the above answer is yes, the Applicant must prepare an Agricultural Data Statement which is annexed hereto.

3. I, the Applicant, have made the above determinations by a review of the Town Real Property Tax Maps and the applicable Agricultural District Maps.

APPLICANT

BY:-----
(Title)

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: _____	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: _____	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: _____ Date: _____ Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

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 **AND** provide, on attachments as necessary, the reasons supporting this determination.

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)

SEQR Notice of Completion of Draft/Final EIS

Potential Environmental Impacts:

A copy of the Draft/Final EIS may be obtained from:

Contact Person: _____

Address: _____

Telephone Number: _____

A copy of this notice must be sent to:

Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-1750

Chief Executive Officer, Town/City/Village of _____

Any person who has requested a copy of the Draft/Final EIS

Any other involved agencies

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany, New York 12233-1750

Copies of the Draft/Final EIS must be distributed according to 6NYCRR 617.12(b)

State Environmental Quality Review
Notice of Completion of Draft/Final EIS

Project Number _____ **Date** _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State environmental Quality Review Act) of the Environmental Conservation Law.

A Draft or Final (check one) Environmental Impact Statement has been completed and accepted by the _____ as lead agency, for the proposed action described below.

If a Draft EIS: Comments on the Draft EIS are requested and will be accepted by the contact person until _____

Name of Action:

Description of Action:

Location: Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.