

TOWN CLERK USE
DATE: _____
TIME: _____
REC'D BY: _____

TOWN OF AMHERST - ZONING BOARD OF APPEALS

- Application for: APPLICATION MUST BE LEGIBLE
- | | |
|--|---|
| <input type="checkbox"/> A variance on the requirement of the Zoning Ordinance.. | <input type="checkbox"/> Auxiliary Housing Unit. (Special Use Permit) |
| <input type="checkbox"/> An appeal under Section 280-a(3) of the NYS Town Law | <input type="checkbox"/> Type 2 Home Occupation. (Special Use Permit) (Describe below) |
| <input type="checkbox"/> A reversal of the determination of the Commissioner of Building | <input type="checkbox"/> Telecommunication facility(Special Use Permit) |
| <input type="checkbox"/> Temporary Use Permit. (Describe below) | <input type="checkbox"/> Public Utility Service Structure or facility. (Special Use Permit) |
| <input type="checkbox"/> Dormitory, fraternity or sorority house (Special Use Permit) | <input type="checkbox"/> Bed and Breakfast (Special Use Permit) |
| <input type="checkbox"/> Restricted Parking Lots per 7-1-9B(2)(b) | <input type="checkbox"/> Raising Chickens (Special Use Permit) |
| <input type="checkbox"/> Other _____ | |

The undersigned, owner of the property located at: _____
ADDRESS

Lot No. _____ MC _____ SBL: _____ (_____)
NAME OF DEVELOPMENT

in Zoning District _____ appeals from the decision of the Commissioner of Building not to approve the issuance of a :
_____ for a _____,
as per plans, data and application heretofore filed and which are attached and made part of this appeal.
If application is for a Variance the reason for non-approval is that: _____

The undersigned alleges, upon information and belief, that they are entitled to relief pursuant to Town Law Section 267b for the following reasons:

The undersigned further states that no rezoning or other matter relating to said property or the proposed building has been recently or is now the subject of proceedings before the Town Board or before the Planning Board of the Town of Amherst except as follows:

- Disclosure pursuant to section 809 of the General Municipal Law (see back of form) as follows:
- Application is subject to Section 239-m of the General Municipal Law(see back of form) as follows:

The undersigned solemnly swears that all statements made herein are true and that all drawings submitted correctly show the situation involved in this appeal. The application fee of \$115.00 or \$1515 for telecomm (Incl. Affidavit fee) is provided herewith.

All submitted documents larger than 8.5" x 11" MUST be accompanied by one (1) copy reduced to 8.5" x 11" for use with projection equipment

(Print Property Owner's Name)

(Signature)

(Address)

(City) (State) (Zip)

(Phone #)

(Petitioner)

(Petitioner's Firm Name)

(Address)

(City) (State) (Zip)

(Phone #)

STATE OF NEW YORK COUNTY OF ERIE
On the _____ day of _____ in the year _____ before me,
The above individual personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

WITNESS my hand and official seal:

Signature of Notary Public

Print Name

INSTRUCTIONS

- 1.) Ten Zoning Board of Appeals applications shall be filled out and filed with the Town Clerk together with the following:
For temporary use permits Eleven (11) copies
For all others Ten (10) copies of the necessary surveys, maps and/or drawings showing:
 - a) The property in question
 - b) The abutting properties and buildings, if any
 - c) The size and location of any and all existing or proposed structures.
 - d) A fee of \$115.00, or if Telecom \$1515 (\$100.00 or \$1515.00 for Application + \$15.00 Affidavit fee)
 - e) The applicant shall, if possible, secure a letter from the adjoining property owners, stating their attitudes to the proposed variance.
 - 2.) Application must be signed by the Petitioner who is either the **Property Owner of Record** or their Authorized Representative and Notarized. (Authorization documentation must be included with the application)
 - 3.) Submit the above papers to the Commissioner of Building for a final check before filing with the Town Clerk
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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 to the 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 (hereinafter called the applicant) to the extent known to such applicant.
 2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, 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 controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - d) is a party 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 knowingly and intentionally violates this section shall be guilty of a misdemeanor.
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Section 239-m. Notice of certain proposed municipal zoning actions to be submitted to county, metropolitan or regional planning agency; report thereon; final action.

In any city, town or village which is located in a county which has a county planning board, commission or other agency, hereinafter referred to as a county planning agency, or in the absence of a county planning agency, which is within the jurisdiction of a metropolitan or regional planning commission, board or other agency, duly created body which has jurisdiction to adopt or amend zoning regulations, or to issue special permits or grant variances pursuant to such regulations, shall, before taking final action on certain of such matters, refer the same to such county, metropolitan or regional planning agency. The term "special permit" shall be deemed to include any special permit, use permit, exception, or other special authorization which a board of appeals, planning board or legislative body is authorized to issue under the provisions of any zoning ordinance.

The matters covered by this section shall include: (a) any municipal zoning regulation, or any amendment thereof, which would change the district classification of or the regulations applying to real property lying within a distance of five hundred feet from the boundary of any city, village or town or from the boundary of any existing or proposed county or state park or other recreation area, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; and (b) any special permit or variance affecting such real property within such distance of five hundred feet; and (c) any special use permit, or use variance applying to real property lying within a distance of five hundred feet from the boundary of a farm operation within an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law. The term "proposed" shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county plan adopted pursuant to subdivision two of section two hundred thirty-nine-d of the general municipal law or adopted on an official map pursuant to section two hundred thirty-nine-g of such law. (Excerpt)

NOTE:

In accordance with Section 203-8-13-7, except as otherwise specifically provided in the decisions of the Board, every variance shall expire after two years the variance has not been exercised.

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? 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 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? 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	

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)