

# JOINT ZONING BOARD OF APPEALS FOR THE TOWN AND VILLAGE OF GREENWICH

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## Guidelines for Completing an Application for an Area Variance

### Overview

The Zoning Ordinance defines an Area Variance as the authorization by the Zoning Board of Appeals (ZBA) for the use of land in a manner which is not allowed by the dimensional or physical requirements of the Zoning Ordinance.

### Application

An applicant seeking an Area Variance must show that the benefit the applicant stands to receive from the variance will outweigh the burden to health, safety and welfare of the community.

The applicant must complete an Application for an Area Variance in its entirety. Attach additional pages and drawings (building requesting variance on, sign, etc.), such as a site plan (placement of the structures on the property with the measurements from property lines, etc.), as necessary to explain your reasoning. Please consider the five factors the ZBA must evaluate when presenting your explanation. (See below)

### Fees

There are two fees that are due for an area variance application:

**Application Fee of \$100 is due upon submission.** (Please make check payable to 'Town of Greenwich') **Certified mailing fees are due at the time the public hearing is set.** The amount due is based on the number of property owners that need to be notified. All property owners adjoining and within 500 ft of the applicant's property will need to be notified. The ZBA Clerk will inform the applicant what their fees will be. (Please make check payable to "The Town of Greenwich")

### Process

Once the application has been submitted it will be placed on the agenda for the next available meeting date. The ZBA meets the second Wednesday of each month, pending business. Once the ZBA has reviewed the completed application it will set a public hearing, at which time certified mailing fees are due (ZBA Clerk will tell the amount due at this time). If the property is located within 500 feet of a municipal boundary, right-of-way of County/State Expressway, Highway or Road, and/or the boundary of County/State owned land then a referral must be sent to the Washington County Planning Board. This referral process may delay the application for one month depending on the submission date of the area variance application. After the public hearing has been closed the ZBA will make it's decision. The applicant or his/her designated person(s) must be present at the time the public hearing is held and also at the time of the ZBA's decision. A Decision and Findings form will be mailed 5-10 business days after the decision of the ZBA.

### Decision and Findings

The ZBA by law considers the following five factors when making a decision:

- (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 area variance.
- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
- (3) Whether the requested area 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; and
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

**JOINT ZONING BOARD FOR THE TOWN AND VILLAGE OF GREENWICH**  
**APPLICATION FOR AN AREA VARIANCE**

Application No. \_\_\_\_\_ (assigned by ZBA) Date \_\_\_\_\_

**COMPLETE ALL OF THE FOLLOWING:**

**Appeal Concerns Property at the following address:**

\_\_\_\_\_

**Site Location: Name of street or road:** \_\_\_\_\_

**Tax Map ID / SBL # of Property:** \_\_\_\_\_

**TOWN      OR      VILLAGE      (Circle one)**

**Zoning District:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

**Complete Mailing Address:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Date applicant acquired property:** \_\_\_\_\_

**(If property is not owned by the applicant, the applicant must submit a designated agent form authorizing the applicant to appeal on his/her behalf.)**

**Current lot usage:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Improvements on lot:** \_\_\_\_\_

\_\_\_\_\_

**The applicant's appeal from a decision of the Zoning Enforcement Officer, or on direct appeal from the Planning Board concerns the following:**

- \_\_\_ Denial of an application for a Building Permit (attach copy)
- \_\_\_ Denial of an application for a Special Use Permit or Site Plan Review (circle one & attach copy)
- \_\_\_ Denial of an application for a Certificate of Occupancy (attach copy)

**For the proposed activity:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Denial was made because of a violation or conflict with the Zoning Code(s): \_\_\_\_\_

Date of Zoning Enforcement Officer's Decision: \_\_\_\_\_

State what type and size of an area variance you are requesting, ex. 3-foot side yard variance: \_\_\_\_\_  
\_\_\_\_\_

State the reason you are applying for an Area Variance \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**For any proposed improvements please indicate the size, material and general construction details.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe the Character of the Neighborhood

\_\_\_\_\_  
\_\_\_\_\_

Please include Names & COMPLETE 911 or PO BOX ADDRESSES AND ZIP CODES (**per tax rolls**) of all property owners within 500 feet **including across the street** of the affected parcel. If more space is needed please see attached adjoining list form.

North: \_\_\_\_\_  
\_\_\_\_\_

South: \_\_\_\_\_  
\_\_\_\_\_

East: \_\_\_\_\_  
\_\_\_\_\_

West: \_\_\_\_\_  
\_\_\_\_\_

Applicant Signature \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**AGENCY DESIGNATION FORM – AREA VARIANCE**

**The owner or their representative must be present at all meetings on this proposal.**

I, \_\_\_\_\_, the owner of property in the Town of Greenwich or Village of Greenwich (whichever is applicable) in Washington County, New York, Hereby designate \_\_\_\_\_, to act as Representative and agent in connection with any proceeding for an area variance of real property in the Town of Greenwich or Village of Greenwich (whichever is applicable), in Washington County, New York and I grant to the said representative and agent the authority to fill applications, make representations and warranties as if they were my own, and in every respect act on my behalf. In making this designation I understand that the verbal and written comments, utterances or statements made by my representative and agent shall be treated and considered as if they were made by me, and I shall be bound by such comments, utterances and statements as if I made them. I make this agency designation so that my personal appearance before any governmental entity or board for the Town of Greenwich or Village of Greenwich (whichever is applicable) is not necessary, and with the understanding that my designated representative and agent shall have total authority to represent my interests.

Signature\_\_\_\_\_

Sworn to Before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public\_\_\_\_\_

# 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.

<b>Part 1 – Project and Sponsor Information</b>			
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 <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
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, are adjoining or 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? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

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    Agricultural/grasslands    Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban    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
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
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
	<input type="checkbox"/>	<input type="checkbox"/>
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
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: _____ Date: _____  Signature: _____ Title: _____		

