

Town of Brunswick

Zoning Board of Appeals

336 Town Office Road

Troy, New York 12180

Phone (518) 279-3461 Fax (518) 279-4352

www.townofbrunswick.org

Dear Proposed Applicant:

Applications to the Brunswick Zoning Board of Appeals include appeals from a decision of the Town of Brunswick Building Department. An appeal from a decision of the Brunswick Building Department will request that a variance be granted.

(A) Variance

If you elect to appeal the decision of the Town of Brunswick Building Department denying your application for a building and/or zoning permit and request that a variance be granted, you are required to do the following:

1. Complete and file an appeal using the form provided to you by the Building Department;
2. Provide the required number of copies of a plot plan of your premises showing the location of the improvements anticipated to be made and all setbacks;
3. Pay the required fee;
4. Appear at the scheduled hearing before the Zoning Board of Appeals and present evidence sufficient to satisfy the requirements of Section 12(3) of the Brunswick Zoning Ordinance and Section 267-b of the Town Law of the State of New York.

There are two types of variances. One is an area variance, which means an authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of applicable zoning regulations. The other is a use variance, which means an authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. As an applicant, it is your obligation to present written and oral testimony and to call such witnesses as you may deem necessary in order to satisfy the Zoning Board of Appeals that criteria for the type of variance you have applied for are met.

Since a request for a variance is a quasi-legal proceeding, you may want to consider, although it is not necessary, obtaining an attorney, engineer and/or consultant to assist you in the process.

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PLEASE READ BEFORE COMPLETING FORMS
INFORMATION AND PROCEDURES FOR
VARIANCE

**NOTE: IF THE FOLLOWING INSTRUCTIONS ARE NOT COMPLIED WITH,
YOUR PAPERWORK FOR A VARIANCE CANNOT BE PROCESSED.**

**ALL FORMS MUST BE PRINTED NEATLY IN BLACK INK OR TYPEWRITTEN FOR LEGIBILITY.
ATTACHMENTS CAN BE DONE AND MUST CONTAIN ADDRESS, INCLUDING ZIP CODE.**

1. Submit complete **DISAPPROVED** Zoning Permit Application.
2. Complete and return one **signed original** "Application for a Variance".
3. Complete and return one **signed original** "Environmental Assessment Form".
4. Submit **7 copies of plot plan (8 copies if the property is within 500 feet of a County or State highway)** showing all dimensions of buildings, yard (front, side and rear setbacks of building(s) (proposed and existing)), lot size, and streets.
5. Submit application fee to process application. The fee is not refundable.
*Make check payable to the Town of Brunswick.
6. The Zoning Board of Appeals holds public hearings on the **3rd Monday of the month at 6 P.M. in the Brunswick Town Hall, 336 Town Office Road, Troy.**

APPLICANT MUST APPEAR AT THE PUBLIC HEARING.

If you are going to submit anything to the ZBA at the hearing, 7 copies will be required.

7. **Please note:** If a variance is granted for a residential application, a Building and Zoning Permit must be obtained before any work is started.

If a variance is granted for a subdivision or site plan, you must resubmit a building permit application for approval based on the Zoning Board's decision and obtain final approval from the Town of Brunswick Planning Board and a Building and Zoning Permit must be obtained **before** any work is started.

"SUCH APPEAL SHALL BE TAKEN WITHIN SIXTY DAYS AFTER THE FILING IN THE TOWN CLERK'S OFFICE OF ANY ORDER, REQUIREMENT, DECISION, INTERPRETATION OR DETERMINATION OF THE ADMINISTRATIVE OFFICIAL CHARGED WITH THE ENFORCEMENT OF SUCH ORDINANCE OR LOCAL LAW, FROM WHICH THE APPEAL IS TAKEN." (NEW YORK STATE TOWN LAW §267.a(5)).

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Application for a Variance

General Information

Application Number _____
Date Application Received _____
Hearing Scheduled Date _____
Application Fee _____
Approved Date _____ Conditions (y/n) _____
Denial Date _____ Withdrawn Date _____
Zoning Chairperson _____

Applicant:

Name: _____

Property Owner:

Name: _____

Company: _____ Company: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

Applicant is: Owner__ Builder __ Lessee __ Architect/Engineer __ Agent __ Other __
If Other, Explain: _____

Lot Information

Street Address of Lot _____

Parcel ID Number _____ Zoning District _____

Irregular Shape of Lot (Y or N) _____ Corner Lot (Y or N) _____

Existing: Lot Area _____ Frontage _____ Depth _____
Setbacks: Front _____ Rear _____ Left _____ Right _____

Proposed: Lot Area _____ Frontage _____ Depth _____
Setbacks: Front _____ Rear _____ Left _____ Right _____

Type of Water Service: _____ Type of Sanitary Disposal: _____

Describe Existing Use:

Type of Request: _____ Area Variance _____ Use Variance

Briefly describe the proposal: _____

Abutters-Adjacent Property Owners

List the name and address for each adjacent property owners. Use additional paper if needed.

	Name:	Address:	Property Use
Front	_____	_____	_____
Rear	_____	_____	_____
Left	_____	_____	_____
Right	_____	_____	_____

Required Submittals

- ___ A plot plan showing all dimensions of buildings, yard (front, side and rear setbacks of building(s) (proposed and existing)), lot size, and streets.
- ___ Part 1 of the State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form
- ___ Application fee

NOTE: Additional submittals may be required by the Zoning Board of Appeals. Failure to submit all required documents may result in a delay in the processing or denial of the application.

Have there been any other variances issued for this property? (Y or N) _____

If yes, explain: _____

For any Area Variance Request, please complete the following:

Proposed use / construction: _____
 (Single family home, commercial building, addition, deck, pool, accessory building, sign, fence, etc.)

Lot Size:
 Width at set back:
 Front Setback:
 Rear Setback:
 Left Side Setback:
 Right Side Setback:
 Maximum Lot Coverage:
 Maximum Height:

REQUIRED	PROPOSED

For Multi-family Residential / Non-Residential Area Variances, please complete the following:

Number of Parking Spaces:
 Buffer:
 Units per Acre:

REQUIRED	PROPOSED

Area Variance Continued

1. Explain how no undesirable change will be produced in the character of the neighborhood; nor a detriment to nearby properties created by granting the Area Variance.

2. Explain why the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an Area Variance.

3. Describe whether the requested Area Variance is substantial.

4. Explain how the proposed Area Variance will not have an adverse effect on the physical or environmental conditions in the neighborhood or district.

5. Explain whether the difficulty is self-created. (Consideration is relevant, but shall not necessarily preclude the granting of the Area Variance)

For Use Variance Applications, please complete the following:

Describe the requested use: _____

1. Explain why the applicant cannot realize a reasonable return from the property without the Use Variance, as demonstrated by competent financial evidence.

2. Explain how the alleged hardship relating to the property is unique, and does not apply a substantial portion of the district or neighborhood.

3. Describe why granting the requested Use Variance will not alter the essential character of the neighborhood.

4. Explain whether the alleged hardship has been self-created.

Certification and Authorization

I certify that the information contained in this application is true to the best of my knowledge and I authorize the Town of Brunswick to process this application as provided by law.

I also authorize the Town of Brunswick Building Department and Zoning Board of Appeals to enter the property that is the subject of this application for the purpose of inspection and consideration of the application documents.

Applicant:

Property Owner:

Name: _____

Signature: _____

Date: _____

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 <input type="checkbox"/>	YES <input type="checkbox"/>
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 <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, 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
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<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"/>	
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"/>	
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"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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: _____	<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 <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	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	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? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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		

<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><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></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><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></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><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

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.

<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)