## Town of Brunswick

Zoning Board of Appeals 336 Town Office Road Troy, New York 12180

Phone (518) 279-3461 Fax (518) 279-4352 <u>www.townofbrunswick.org</u>

#### 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 <u>VARIANCE</u>

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

## ALL FORMS MUST BE <u>PRINTED NEATLY IN BLACK INK OR TYPEWRITTEN</u> 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 3<sup>rd</sup> 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 <u>before</u> any work is started.

"SUCH APPEAL SHALL BE TAKEN WITHIN <u>SIXTY DAYS</u> 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 §267.2(5)).

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## **Application for a Variance**

## **General Information**

Application Number	
Date Application Received	d
Hearing Scheduled Date	<del>,</del>
Application Fee	<del></del>
Approved Date	Conditions (y/n)
Denial Date	Withdrawn Date
Zoning Chairperson	<del></del>

		Zoming Cinan	poison
Applicant: Name:	<u>Pro</u> j	perty Owner:	
		Name:	
Company:		Company:	
Address:		Address:_	
Phone:		Phone:	
Applicant is: Owner But If Other, Ex	uilder Lessee A xplain:	architect/Engi	neer Agent Other
Lot Information			
Street Address of Lot			
Parcel ID Number		_ Zoning Distr	ict
Irregular Shape of Lot (Y or 1	N) Corne	r Lot (Y or N) _	
Existing: Lot Area  Setbacks: Fro	Frontage	Depth	
Setbacks: Fro	nt Rear	Left	Right
Proposed: Lot Area	FrontagentRear	_ Depth	-
Setbacks: Fro	nt 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			
Right			
	building(s) Part 1 of the Assessment	showing all dimensions of buildings, proposed and existing)), lot size, and e State Environmental Quality Review Form	yard (front, side and rear setbacks of streets.  w Act (SEQRA) Short Environmental
	Application	iee	
]	NOTE: Ad	ditional submittals may be requi Appeals. Failure to submit all i in a delay in the processing or o	required documents may result
	here been d explain:	ny other variances issued for this pro	perty? (Y or N)

# 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.) **REQUIRED PROPOSED** Lot Size: Width at set back: Front Setback: Rear Setback: Left Side Setback: Right Side Setback: Maximum Lot Coverage: Maximum Height: For Multi-family Residential / Non-Residential Area Variances, please complete the following: **REQUIRED PROPOSED** Number of Parking Spaces: Buffer: Units per Acre: 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.

	vironmental conditions in the neighbor	iance will not have an adverse effect on the physical or or or or district.
· · · · · · · · · · · · · · · · · · ·		
	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:	Telepl	none:			
	E-Mai	1:			
Address:					
City/PO:		State:	Zip	Code:	
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				NO	YES
may be affected in the municipality and proceed to Part 2. If no, continue to 2. Does the proposed action require a permit, approval or funding from any				NO	YES
If Yes, list agency(s) name and permit or approval:					
3.a. Total acreage of the site of the proposed action?		acres			
b. Total acreage to be physically disturbed? 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  Urban Rural (non-agriculture) Industrial Comm  Forest Agriculture Aquatic Other (  Parkland	ercial	Residential (subur	ban)		

S. Lathe managed action	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?		IES	
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural		NO	YES
landscape?			
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar	ea?	NO	YES
If Yes, identify:			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
the way are proposed action results in a successful and the successful actions of the successful			П
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 ac	tion?		
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
10. Will the proposed action connect to an existing public/private water supply?		110	1155
If No, describe method for providing potable water:			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			
11 No, describe metriod for providing wastewater deadlient.	<u> </u>		
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places?  b. Is the proposed action located in an archeological sensitive area?		Щ	Щ
U. 15 the proposed action rocated in an archeological scristive area:			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain	n	NO	YES
wetlands or other waterbodies regulated by a federal, state or local agency?	•	H	
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:			Ш
	-11 41-4		
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a Shoreline Forest Agricultural/grasslands Early mid-succession Wetland Urban Suburban	in mat onal	appıy:	
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed		NO	YES
by the State or Federal government as threatened or endangered?			
16. Is the project site located in the 100 year flood plain?		NO	YES
		L	VEC
17. Will the proposed action create storm water discharge, either from point or non-point sources?  If Yes.		NO	YES
a. Will storm water discharges flow to adjacent properties?			Ш
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drain	ıs)?		
If Yes, briefly describe:			
		I .	1

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	NO	YES
solid waste management facility?		
If Yes, describe:		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE KNOWLEDGE	BEST O	F MY
Applicant/sponsor name: Date:		
Signature:		