



TOWN OF PERINTON

1350 TURK HILL ROAD ■ FAIRPORT, NEW YORK 14450-8796
(585) 223-0770 ■ Fax: (585) 223-3629 ■ www.perinton.org

NUMBER _____ FEE _____

MEETING DATE _____

APPLICATION FORM - USE VARIANCE

Instructions to Applicant

1. Submit **original** and **11 (eleven)** copies of this application, **include short EAF form**. Type or print.
2. A non-refundable fee of ~~\$50.00~~ ^{\$25.00} shall accompany this application.
3. **Twelve (12)** copies of a tape location or instrument survey map should be attached to the application.
4. **Twelve (12)** copies of a floor plan, **when necessary**, should be attached to the application.
5. A sign giving notice of the appeal must be posted on the front property line 10 days prior to the hearing.
6. A financial statement shall be completed for Use Variance applications.
7. Zoning Boards of Appeal in New York State are bound by court cases which have clearly set forth the factors to be considered by the Board in reviewing your request. These may seem unnecessary in many instances but by handling all cases under the same guidelines, you are assured equitable treatment by the Board.

1. APPLICANT

Name _____ Phone _____

Street & Number _____ Post Office _____ Zip _____

Interest in Property: Owner _____ Lessee _____ Other _____

2. OWNER (if other than above)

Name _____ Phone _____

Street & Number _____ Post Office _____ Zip _____

3. ATTORNEY (If represented)

Name _____ Phone _____

Street & Number _____ Post Office _____ Zip _____

4. INTEREST: Does any officer or employee of the State of New York, County of Monroe, or Town of Perinton have any interest in the owner/applicant or the subject property?

Yes _____ No _____

If yes, who? Name _____ Address _____

INTEREST (explain): _____

5. LOCATION: Street Address or Legal Description (subdivision and lot number)



6. SIZE OF PARCEL: _____

7. PRESENT USE OF PROPERTY: _____

8. ZONING DISTRICT: _____ TAX ACCOUNT # _____

9. APPLICATION FOR VARIANCE OF SECTIONS(S): _____

10. DESCRIBE SPECIFICALLY THE NATURE OF YOUR REQUEST: _____

11. DESCRIBE THE LOCATION, USE AND SIZE OF STRUCTURES AND OTHER LAND USES WITHIN 100 FEET OF THE BOUNDARIES OF THE SUBJECT PROPERTY: _____

12. In applying for a USE VARIANCE, you must meet the test of showing that a strict application of the zoning ordinance would impose an 'unnecessary hardship' on you. The criteria of 'unnecessary hardship' has special meaning in the law and was first set forth in the Court of Appeals case of OTTO vs. STEINKILBER, 282 NY71(1939) and further explained in the case of CROSSROADS RECREATION vx. BROZ, 4NY2d 39 (1958). In order to meet that test, you must explain by dollars and cents proof that your property cannot yield a reasonable return if used only for the purposes allowed in that zone; that your problem is due to unique circumstances which apply to your property and not to general conditions in the neighborhood; and that your proposed use will not alter the essential character of the locality. In order to assist you in presenting your proof, this form separates each factor and allows you to address each one individually.

The applicant is to explain how his/her application meets the following criteria in order to secure the variance requested.

A. NO REASONABLE RETURN: If you believe that the subject property is not capable of yielding a reasonable Return on your investment in it if the property can only be used as presently zoned, then you must complete the attached financial statement (or a similar form) showing the amount which you paid for the subject property; the present value of the subject property; the expenses which are attributable to maintenance; the amount of the total taxes on the subject

property; the amount of the mortgages and other liens on the property, together with the amount of the monthly payments; the income which you derive or can derive from the property; and, any other facts relevant to your particular circumstances in this matter.

B. UNIQUE CIRCUMSTANCES: You must show that your inability to secure a reasonable return from the subject property is a result of unique circumstances peculiar to the subject property and not to general conditions in the area which affect other properties in the area in the same way. The criteria involves unique circumstances affecting the property, not your personal circumstances.

C. HARDSHIP NOT SELF-CREATED: You must show that the inability of your property to yield a reasonable return is the result of factors other than those which you or your predecessors in title are responsible for.

D. CHARACTER OF THE AREA: You must show that using the subject property in the manner proposed by you will not be materially detrimental to surrounding uses and facilities, or be injurious to the enjoyment, use or development of neighboring properties or to the public welfare.

E. VARIANCE IS ONLY REMEDY: You must show that there is no other feasible means to you, other than securing a use variance, by which the subject property can yield a reasonable return to you.

F. MINIMUM RELIEF: You must show that your application is for the minimum relief necessary to enable you to realize a reasonable return on your investment in the subject property:

13. Is this property in a Limited Development District? Yes _____ No _____

I certify that the information supplied on this application is complete and accurate, and that the project described, if Approved, will be completed and the premises used as stipulated in this request.

Signature of Applicant: _____ Date: _____

Owner (if other than above)

I have read and familiarized myself with the contents of this application and do hereby consent to its submission and processing.

Signature of Application: _____ Date: _____

Residential Use

STATEMENT OF INCOME & EXPENSE

Property Location _____ Date _____

A.) Property Data:

1. When was the property purchased by current owner? _____
2. Was a Certificate of occupancy issued? _____
3. Is the property for sale? YES NO (if so) Purchase Price _____
4. Has property been listed? YES NO How Long? _____
5. Any offers received? YES NO Amount? _____
6. Amount of Mortgage? _____ Terms? _____

B.) Gross Annual Income: (Based on Permitted Use)

<u>Apt. #</u>	<u>Unit Size</u>	<u>Monthly Rent</u>	<u>Annual Rent</u>
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____

TOTAL RENTAL INCOME _____

Less Vacancy Factor (not to exceed 7%) _____

TOTAL GROSS INCOME _____

C.) Annual Expenses:

1. Annual Fixed Charges:

Real Estate Taxes (School and County) Insurance _____

Average Annual Interest (Over next 5 years) _____

(Continued)

2. Operating Expenses:

Electric	_____
Fuel	_____
Water	_____
Trash Pickup	_____
Advertising	_____
Miscellaneous (attach explanation)	_____

3. Maintenance Expenses: (attach list) Repairs

General Building Maintenance Yard & Ground Care	_____
Miscellaneous (attach explanation)	_____

Total Annual Expenses	_____
Profit or Loss	_____

D.) Total Investment:

1. Down payment	_____
2. Capital Improvements (Attach List)	_____
3. Principal Paid to Date (Original Mortgage less current principal balance)	_____

TOTAL INVESTMENT	_____
(Sum of D1, D2 D3)	_____

E.) Rate of Return:

$\frac{R/R = \text{Profit or (Loss)}}{\text{Total Investment}}$	=	_____
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This statement completed by _____ Date _____

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?			NO	YES
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.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<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?	NO	YES	
	<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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<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?	NO	YES	
	<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: _____	NO	YES	
	<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: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

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
	<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"/>
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?	<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"/>

	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?	<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"/>

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)

PRINT

PROCEDURES FOR FILING AN APPLICATION WITH THE BUILDING DEPARTMENT TO APPEAR BEFORE THE ZONING BOARD OF APPEALS

1. Applicant obtains application form from Building Department and fills it out with complete detailed information as requested. Also, complete short E.A.F. form (if applicable). Print or type.
2. The original application, along with 11 copies, shall be returned to the Building Department, according to cut-off date schedule with cash or check of \$30.00 made out to the Town of Perinton. Attach to each application, **twelve (12)** copies of maps and plans with name and address of application shown on each copy. If address of property is different than applicant's address, also show that on map and plans. Please return application in person.

APPLICATIONS WILL NOT BE PUT ON THE AGENDA FOR A PUBLIC HEARING IF ANY OF THE ABOVE ITEMS OR INFORMATION IS MISSING.

APPLICANT WILL RECEIVE A SIGN FROM THE BUILDING DEPARTMENT WHICH SHOULD BE POSTED ON THE FRONT PROPERTY LINE.

3. The Town will place a legal notice in the proper newspaper, advertising applicant's name, location and request.
4. Applicant is required by the Town of Perinton to post a sign, provided by the Town, to be located on the front property line. Said sign shall be posted ten (10) days prior to public hearing date and shall remain posted until the hearing night.

The Town of Perinton will inspect the applicant's property to see that the sign has been properly posted. The Board of Appeals members will inspect the property to review the application request.

Failure by the applicant to comply with the above will disqualify the applicant from that hearing date. It will then be necessary for the applicant to reapply for a new hearing and pay an additional \$30.00 fee for re-advertising said application.

5. The next step is that the applicant or agent must appear before the Board of Appeals on the scheduled date to explain what they would like to do. The meetings are held the fourth (4th) Monday of each month starting at 7:30 P.M.

At the hearing, any party may appear in person or by agent or attorney. The Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinances, the Board of Appeals shall have the power in passing upon appeals, to vary or modify the application of any

of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

6. A notification letter is mailed out by the Board Secretary to each applicant stating the Board's decision. Several days may elapse after a meeting before notification is mailed out, depending on the number of applications and other duties that the Secretary is responsible to fulfill as Secretary of the Zoning Board.
7. Should an applicant desire to know the outcome of the Board's action before receiving a formal notice, they may call the Zoning Board Secretary at 223-0770.

Minutes of Board meetings are not final until approved by the members at a future meeting and then filed with the Town Clerk.

8. Next step, if applicable, is to obtain a Building Permit from the Building Department.

In addition, it may be necessary to obtain a Certificate of Occupancy prior to occupying or starting operations. This can be verified by checking with the Building Department at 223-0770.

WHEN IN DOUBT, PLEASE CALL THE BUILDING DEPARTMENT.

1/2006