



# TOWN OF WEBSTER

## ZONING BOARD OF APPEALS APPLICATION

Office (585) 872-7028 • Fax (585) 872-1352 • [planning-zoning@ci.webster.ny.us](mailto:planning-zoning@ci.webster.ny.us)

### Applicant/Contact Person:

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Property Owner Information (if different than above):

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

### Architect / Engineer (if applicable):

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Project Address:** \_\_\_\_\_

### Project Description (additional information can be attached):

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

☐

**Use Variance**

☐

**Area Variance**

☐

**Interpretation**

☐

**Special Use Permit**

**Length of time to complete project:** \_\_\_\_\_ **Estimated Cost:** \_\_\_\_\_

**Work will be completed by (circle one):**    Owner    Sub-divider    Contractor    Sub Contractor

**APPLICANT:** By the signature below, on behalf of the applicant or owner, I hereby authorize representatives from the Town of Webster to enter the above referenced property, during normal hours, for the purpose of conducting inspections of the proposed construction/activity, as required by applicable law, rules, regulations ordinances and orders. I also certify that the information supplied on this application is complete and accurate, and that the project described, if approved, will be completed in accordance with the conditions and terms of that approval.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Parcel Number (SBL):** \_\_\_\_\_ **Zoning District:** \_\_\_\_\_

## **ZONING BOARD OF APPEALS APPLICATION REQUIREMENTS**

1. Cut off dates for all applications to be submitted to the Zoning Board of Appeals per the approved schedule which indicates deadlines for submittals for upcoming Board meetings. The Webster Town Zoning Board of Appeals meets on the 2nd Tuesday of each month. All meetings start promptly at 7:00 PM. The Webster Town Zoning Board of Appeals, at its discretion, reserves the right not to hear new applications after 10:30 PM on any regularly scheduled meeting day. If the Board exercises this right, the remaining cases will be heard at the beginning of the next regularly scheduled Public Hearing.
2. Applicants shall submit a completed application form along with the following:
  - ❖ Letter of Intent describing the project in applicant's own words
  - ❖ Owner's Affidavit (from property owner, granting permission to apply for variance)
  - ❖ Plans/drawings (\*see page 4 for more detailed information)
  - ❖ Survey map
  - ❖ Environmental Assessment Form (EAF)
  - ❖ Payment of fees on or before the scheduled deadline and/or cut off dates.

Any incomplete application received will not be scheduled to be heard by the Board. It will be the applicant's or agent's responsibility to submit a complete application for the hearing date requested (see submission checklist on next page).

3. The applicant shall submit ten (10) copies of the plan to scale. Plans shall have the name, address, and phone number of the licensed professional preparing plans together with his seal and signature and the name, address and phone number of the applicant. Applications for a variance to a single-family residence may be accepted by the submission of an instrument survey map, no older than one (1) year old, prepared by a licensed surveyor and showing the proposed variance to scale. Note: As long as there are no changes on the survey map, maps older than one (1) year may be acceptable, if determined so by the Zoning Board of Appeals.
4. Proper notice of a public hearing before a board shall be given by legal notice published in the official newspaper of the Town of Webster, at least five days before the date set for a public hearing, as required by § 274-b of the Town Law. All applications before the Planning Board, Zoning Board of Appeals and all special permit and rezoning applications before the Town Board shall be required to post a Town provided sign, in a publicly conspicuous location on or in front of the front property line of the property affected. Said sign shall notify the public of a pending application and hearing and shall be posted not less than 10 days prior to and up to the date of the hearing. Such sign shall be provided by the Town and/or its designee and shall be removed by the Town and/or its designee within 5 days after the hearing. By signing this application, you are granting permission to have a sign placed at the project address.
5. Any revisions made to the plans necessitated by comment from the Project Review Committee must be resubmitted to the Department of Community Development **no later than 7 days prior to the meeting date. The Zoning Board of Appeals will not entertain any new or revised plans which have not been reviewed by the Project Review Committee.**
6. The Zoning Board of Appeals requires that applications meet the submission checklist (on the next page) and reserves the right not to hear a presentation if the application is deemed incomplete.
7. **For all projects requiring full-size plans sets, plans must be folded to 9" x 14 1/2" maximum size or they will not be accepted.**
8. **In addition, please provide (1) electronic PDF copy on a flash drive or a link to an FTP site where the files can be downloaded.**
9. Applicants or their representatives must appear at the hearings. All withdrawals must be made in writing.

**Zoning Board Submission Checklist:****No. of copies:**

- Completed Zoning Board of Appeals Application (including Statement of Difficulty). 10 ☐
- Letter of intent (project description in applicant's own words) 10 ☐
- Completed environmental assessment form (EAF) 10 ☐
- Plans / Survey Map (folded to 9" x 14 1/2" maximum size) 10 ☐
- Non-collusion disclosure signed 1 ☐
- Tax incentive disclosure 1 ☐
- Owner's Affidavit (if owner is different than applicant) 1 ☐
- Fees paid: \$\_\_\_\_\_ N/A ☐
- Date of Planning Board meeting (if applicable): \_\_\_\_\_

❖ Some projects may require a review referral to Monroe County Planning & Development. For these projects, an additional (5) complete application sets will be required at time of submittal.

❖ Please assemble the correct number of complete application sets prior to submittal for expedited distribution to staff.

❖ **Incomplete Applications will NOT be accepted.**

**NOTE:** All meetings start at 7:00 PM at the Van Ingen Courts and Board Room. The Webster Zoning Board of Appeals, at its own discretion, reserves the right not to hear new applications after 10:30 PM on any regularly scheduled meeting day. In the event this occurs, the application(s) will be rescheduled to the next available meeting.

**Fees:**

Residential Variance	\$120.00 for 1 <sup>st</sup> request; \$10.00 each additional
Commercial Variance	\$195.00 for 1 <sup>st</sup> request; \$20.00 each additional
Interpretation	\$100.00
Special Use Permit	\$200.00

\*All checks shall be made payable to Webster Town Clerk\*

## **REQUIREMENTS FOR PLANS / DRAWINGS**

Applications to the Town of Webster Zoning Board of Appeals shall include the information indicated below. The Department of Public Works reserves the right to request additional information at its discretion.

### **Applications for a change of use where no physical work to be performed outside of building shall include:**

- ❖ Instrument survey map or aerial photo showing subject property and adjacent owners
- ❖ Parking, landscaping and lighting (if applicable)
- ❖ Existing buildings and their uses
- ❖ Floor plan of existing buildings and proposed uses (depending on the size and scope of the project, these plans may be required to be prepared by a licensed professional architect, engineer, landscape architect or surveyor).

### **Applications for an area variance to a single-family residence shall submit an instrument survey map showing:**

- ❖ Existing property boundary lines
- ❖ Existing structure(s)
- ❖ Any proposed changes indicated as “new” on the drawing
- ❖ List of variances requested with specific dimensions listed and shown on the drawing

### **For all other applications, the plan/drawing shall include:**

- ❖ A professionally prepared site plan / drawing by a licensed professional
- ❖ Boundary data to include length, bearings or angles, tie distance to nearest intersection and adjacent property owner’s names
- ❖ Title block with project name and address
- ❖ North arrow
- ❖ Preliminary topographic data (taken from County maps) at a minimum of 5 feet intervals
- ❖ Location of physical features such as woods, creeks, ponds, roads, existing structures, etc.
- ❖ Site data showing proposed uses, subdivision layout, parking locations, landscaping, preliminary utility layout and other physical improvements important for the Board to properly evaluate the application.

The Department of Community Development is available to discuss any application prior to its submission. Please contact us if you have any questions regarding this process.

Erika Corsi  
Junior Planner  
585-504-3996  
planning-zoning@ci.webster.ny.us

## **ENVIRONMENTAL ASSESSMENT**

To permit the Town of Webster to assess the potential environmental impact of the proposed project, please complete the attached Environmental Assessment Form (EAF) in accordance with the list below.

For more information, or assistance on how to complete this form, visit:

<https://www.dec.ny.gov/permits/90132.html>

### **TYPE OF APPLICATION**

### **PART OF EAF TO BE COMPLETED**

- |  |                                     |
|--|-------------------------------------|
| 1. Special Permit or Variance  | Short Environmental Assessment Form |
| 2. Change of Use   | Short Environmental Assessment Form |
| 3. Residential Development<br>One (1) – three (3) lots                             | Short Environmental Assessment Form |
| 4. Rezoning  | Short Environmental Assessment Form |
| 5. Commercial Development  | Short Environmental Assessment Form |
| 6. Residential Development<br>Over four (4) lots or more,<br>and Mobile Home Parks | Short Environmental Assessment Form |
| 7. Industrial Developments   | Short Environmental Assessment Form |
| 8. Utilities and Roads   | Short Environmental Assessment Form |
| 9. Fill or excavation  | Short Environmental Assessment Form |

The Town reserves the right to request additional information or request the preparation of a Draft Environmental Impact Statement (D.E.I.S).



## AREA VARIANCE STATEMENT OF DIFFICULTY

An area variance shall be granted only if the applicant can establish EACH of the following, in accordance with Section 350-102 of the Zoning Ordinance:

- A. **Essential Character**. Indicate how the variance will impact the essential character of the neighborhood. No undesirable change in the essential character of the neighborhood will occur and no detriment will be created to nearby properties if the area variance is granted because:
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- B. **Alternates Considered**: Indicate the benefit sought by the granting of the variance and why the benefit cannot be achieved by some other feasible method other than an area variance. Identify the alternatives to the variance that have been pursued, and why they are not feasible (include evidence where necessary to support your conclusion):
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- C. **Significance**. Indicate why the requested variance is not a substantial or contextually significant deviation from the current code/regulations (is the difference between what the code requires and what you're requesting significant):
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- D. **Physical and environmental conditions**. Describe any potential impacts on factors such as drainage, traffic, dust, noise, odor, public services (e.g., compliance with the Town Code requirements to be varied would result in structures over an easement, removal of mature trees) provide mitigation efforts if any are to be utilized:
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- E. **Not self-created**. The alleged difficulty was not self-created because (consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance):
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**\*\* THIS FORM IS REQUIRED FOR ALL AREA  
VARIANCE REQUESTS \*\***

# *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?			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 government 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 _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5.     Urban       Rural (non-agriculture)       Industrial       Commercial       Residential (suburban) <input type="checkbox"/> Forest     Agriculture                   Aquatic       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  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	N/A  <input type="checkbox"/>  <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO  <input type="checkbox"/>	YES  <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  <input type="checkbox"/>	YES  <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  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	YES  <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  <input type="checkbox"/>	YES  <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  <input type="checkbox"/>	YES  <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO  <input type="checkbox"/>	YES  <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  <input type="checkbox"/>  <input type="checkbox"/>	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? 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  <input type="checkbox"/>  <input type="checkbox"/>	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    Agricultural/grasslands    Early mid-successional 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 <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <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 <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input type="checkbox"/>
49. 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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <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: _____		

**NON-COLLUSION DISCLOSURE PURSUANT TO**  
**SECTION 350-104**  
**OF THE WESTER ZONING ORDINANCE**

**TO WHOM IT MAY CONCERN:**

No officer or employee of the State of New York, County of Monroe or Town of Webster has any financial interest in the land affected by or in the partnership making application for the project known as \_\_\_\_\_

**DATED:** \_\_\_\_\_

**BY:** \_\_\_\_\_  
**Authorized Representative**

**DISCLOSURE OF INTENT TO REQUEST  
TAX INCENTIVES, ABATEMENTS, OR EXEMPTIONS**

Have you currently applied for, or intend to apply for any tax incentives, abatements, or exemptions?

Yes \_\_\_\_\_

No \_\_\_\_\_

If **YES**, would you agree to enter into a Host Community Agreement\* (HCA) with the Town of Webster?

Yes \_\_\_\_\_

No \_\_\_\_\_

→ If **NO**: if you apply for or receive any tax incentives, abatements or exemptions in the future, would you agree to enter into a Host Community Agreement (HCA)?

Yes \_\_\_\_\_

No \_\_\_\_\_

\_\_\_\_\_  
**NAME OF PROPERTY / BUSINESS OWNER**

\_\_\_\_\_  
**SIGNATURE OF PROPERTY/BUSINESS OWNER**

\_\_\_\_\_  
**DATE**

\* A Host Community Agreement (HCA) is an agreement between the business/property owner, wherein the business/property owner recognizes that the Town provides services which benefit the business/property and the owner desires to compensate the Town for such services, by making payment to the Town (and to make the Town whole in regard to property taxes) by entering into this agreement to acknowledge the Town's cost of providing services to its residents and property owners.

## **OWNER'S AFFIDAVIT**

(Sign and return if property owner is different than applicant)

I, \_\_\_\_\_ do hereby certify that I am an owner and/or contract purchaser of property involved in this request and that the foregoing statements, answers and supporting documentation submitted are in all respects true and correct to the best of my knowledge and belief. If this application is granted approval, all actions shall be in accordance with the terms of that approval.

\_\_\_\_\_  
**NAME OF PROPERTY / BUSINESS OWNER**

\_\_\_\_\_  
**SIGNATURE OF PROPERTY/BUSINESS OWNER**

\_\_\_\_\_  
**DATE**

## **TIPS FOR APPLICANTS**

Requesting a variance for a project before the Zoning Board of Appeals requires the applicant to provide as much information as possible. It is recommended that the owner/contractor bring the appropriate representatives to answer questions from the Zoning Board of Appeals. The following are tips to help in your presentation.

1. Dress appropriately. Applicants shall meet business or business casual attire out of respect to the Zoning Board of Appeals.
2. Be on time! Meetings start at 7:00 PM.
3. Speak clearly and use the microphone. Get as close as possible to the microphone so all can hear you. Be sure introduce yourself, your company, and who you are representing. Be prepared to answer any questions from the Zoning Board of Appeals.
4. Provide visuals. The room is large. Visuals should be clear and easy to see, especially for the Board members and the public. Color drawings are encouraged.
5. Be respectful to the Zoning Board, staff, and citizens in attendance.

At the completion of the presentation, the Zoning Board will make their decision regarding the project. You will receive a letter in the mail outlining the Zoning Board's decision and conditions of approval.

The Town Code is available on the Town of Webster web page: [www.ci.webster.ny.us](http://www.ci.webster.ny.us). Click on "Town Code".

Please contact the Department of Community Development if you have any questions regarding this process.

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