Town of Schroeppel
Zoning Board of Appeals
69 County Route 57A, Phoenix, NY 13135
315-695-6075

APPLICATION FOR ZONING BOARD OF APPEALS

FILING FEE: $150.00 (cash or check made out to Town Clerk)

What type of action are you applying for? A **USE** variance is a variance for the use of land for a purpose which is otherwise not allowed or is prohibited by zoning regulations. An **AREA** variance is for the appeal for the use of land in a manner which is not allowed because of the dimensional or physical requirements of the applicable zoning regulations . *Circle any that apply:*

ZBA Use Only

Date Received:_____

By: _____ Receipt #_____
(initials)

USE Variance AREA Variance Special Use Permit Interpretation

APPLICANT INFORMATION (When applying for a variance for property for which you are not the owner, a signed statement authorizing you as a designated representative of such owner must accompany your application). If there are two or more applicants, provide the following information for each.

Applicant Name_____

Mailing Address:_____

_____

Phone: (___)_____ Email _____

PROPERTY INFORMATION

Project Address: _____

Tax Map I.D. Number:_____Zoning District(s)_____

Acreage of Property: _____

Owner(s) of Record: _____

Mailing Address: _____

Phone: (____)_____Email _____

Included herein:

Application (pgs 1-4)
Additional Information-PLEASE READ
Procedure and General Information
Criteria Used for Variances
SEQR Short Form
Oswego Co. 239 Review Submission Form
Oswego Co. Agricultural Data Statement

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Is the property located within five hundred feet (500') of **any** of the following:

(i) the boundary of any city, village or town;

(ii) the boundary of any existing or proposed county or state park or any other recreation area; or,

(iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or,

(iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established canal lines; or,

(v) the existing or proposed boundary of a farm operation located in an agricultural district, as defined by Article twenty-five-AA of the Agriculture and Markets law, except this shall not apply to the granting of area variances *(must complete Agricultural Data Statement; copy attached).*

Circle one: **NO** **YES -- *complete 239 Review Submission Form (copy attached)***
Use the 239 Mapper Tool to see property: https://arcg.is/1TSmmG

DESCRIPTION OF PROPOSED PROJECT OR REQUESTED INTERPRETATION:
(Attach additional sheets if necessary.) _____

_____

MUST ANSWER: PREVIOUS ACTION REQUESTED/TAKEN ON THIS PROPERTY:
Planning Board: No Yes, Date:_____ Outcome: _____

_____

Other: _____

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH YOUR APPLICATION.

Documentation must be submitted to Code Enforcement Office at least **fifteen (15) days prior** to the date of a public hearing. If approved, a public hearing date will be assigned. In those cases where a 239 County Planning Board referral is necessary, it would be advantageous for the applicant to submit his/her application as soon as practical to expedite the application process.

☐ SEQR SHORT FORM 617.21- Appendix C *(copy attached)* – with Part I to be filled out by the applicant (for Type II unlisted actions only);

☐ Verification form *(pg 4 of application-**must** be signed and notarized)*;

☐ Town of Schroeppel Supplemental Application Agricultural Districts form *(copy attached)*;

☐ Zoning map illustrating affected area;

☐ Site Plan showing:

a. Scale (ex 1"=20', or for a site less than one acre, some other agreed-upon scale).
b. North arrow.
c. Physical characteristics of site, existing and proposed, including septic and well location(s).
d. Layout plan showing buildings, parking, and available utilities.
e. Surface and subsurface drainage plan (if applicable), incorporated within layout plan.
f. For commercial activities, locations of signs and outdoor lighting, if any.

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☐ Deed – two copies for proof of ownership.

☐ Five (5) copies (at least one certified) of an up-to-date survey prepared by a licensed land surveyor showing existing property.

☐ List of all property owners within 500 ft of said property (***Prepared by Code Office***).

The applicant has the burden of proving to the Zoning Board of Appeals that each requested variance is justified. Refer to "Guidelines for Applicants to the Zoning Board of Appeals" for additional information at https://dos.ny.gov/guidelines-applicants-zoning-board-appeals

As a quasi-judicial board, the ZBA will balance the benefit to the applicant with any potential detriment to the health, safety and welfare of the community and, as required by law, will consider the following points:

*Relating to **Area** Variance:*

a. 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 said variance.
b. Whether the benefit sought can be achieved by some other feasible method for the applicant to pursue.
c. Whether the requested variance is substantial.
d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and,
e. Whether the alleged difficulty was self-created, and consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

*Relating to **Use** Variance:*

a. The applicant cannot realize a reasonable return, provided lack of return is substantial as demonstrated by competent financial evidence.
b. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
c. That the requested Use variance, if granted, will not alter the essential character of the neighborhood;
d. That the alleged hardship has not been self-created.

CERTIFICATION

I hereby certify that the information I have provided in this application, including any attached items, are true and correct to the best of my knowledge.

_____

Signature of Applicant *Date*

~~ For official use only ~~

The Zoning Board of Appeals of the Town of Schroeppel hereby **denies** the above-listed application for the following reason:

_____

The Zoning Board of Appeals hereby **grants** the above-listed request with the following **Terms and Conditions**:

_____

The Zoning Board of Appeals hereby **grants** the following interpretation regarding the above-listed application.

_____

_____

*As so stated in the minutes on file in the Office of Code Enforcement, you may **within 30 days** appeal this decision by Article 78 of the New York Civil Practice Law and Rules.*

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INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
COUNTY OF OSWEGO) SS:

_____being duly sworn, deposes and says that he/she is the (Applicant/Petitioner) in this (Application/Petition); that he/she has read the foregoing instrument and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters that he/she believes to be true.

_____

_____

Applicant(s)

Subscribed and sworn to before me on this

_____*day of*_____ *20*_____

_____

Notary Public Signature

CORPORATE VERIFICATION

STATE OF NEW YORK)
COUNTY OF OSWEGO) SS:

_____being duly sworn, deposes and says that he/she is the _____ of _____, the corporation named in the within entitled Application/Petition , that he/he has read the forgoing instrument and knows the contents thereof,

and that the same is true to his/her own the knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters that he/she believes it to be true.

_____

_____

Applicant(s)

Subscribed and sworn to before me on this

_____ *day of* _____, *20*_____

_____

Notary Public Signature

Town of Schroeppel
Zoning Board of Appeals
69 County Route 57A, Phoenix, NY 13135
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ZBA Application – PLEASE READ

The Zoning Board of Appeals has the power to issue interpretations of the Zoning Ordinance and to grant special permits, use variances and area variances. No such relief may be granted unless the applicant has proven his/her case and satisfied the applicable Standards of Proof. In other words, the applicant must furnish facts, proof etc. to satisfy those standards. If the proof is insufficient, your case will be denied.

The burden is always on the applicant to prove his/her entitlement of the relief sought. For your help in preparing your case, we have included the relevant "Standards of Proof" which you must satisfy. We respectfully, but emphatically, call your attention to these specific Standards of Proof because it would be a mistake to anticipate favorable relief from the Zoning Board of Appeals if you have not proven your case according to these standards.

Any exhibits including maps, surveys, and documents, which you intend to offer into evidence at the hearing must be provided when you submit your application so each Board Member and Secretary will have them. No Exhibits will be returned.

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Procedures and General Information when Applying to Zoning Board of Appeals

Necessary Documents:

01. Six (6) sets of plans are required, including material list.
02. Survey required showing where structure will be placed, property distance from side, front and rear of new structure.
03. Must have all paperwork filed with Codes office **fifteen (15) business days** before ZBA hearing can be heard.
04. Five complete application copies must be provided to the Codes office. *(Be sure to sign the Verification Page and get it notarized.)*
05. Names and addresses of all owners within five hundred (500) feet of your property lines. (*Prepared by Code Enforcement Clerk*)
06. A one-hundred-and-fifty-dollar **($150.00)** administration fee (cash or check) must be paid when turning in the application. If fee is not paid, your hearing cannot be heard. Codes will review application for proper completion.

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CRITERIA USED FOR DETERMINING AN AREA VARIANCE

01. IS THE REQUESTED VARIANCE SUBSTANTIAL?

02. WILL AN UNDERSIRABLE CHANGE BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD, OR WILL A DETRIMENT TO NEARBY PROPERTIES BE CREATED BY THE GRANTING OF THE AREA VARIANCE?

03. CAN THE BENEFIT SOUGHT BY THE APPLICANT BE ACHIEVED BY SOME METHOD, FEASABLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

04. WAS THE ALLEGED DIFFICULTY SELF-CREATED? (A "YES" DOES NOT IN ITSELF PRECLUDE THE GRANTING OF THE VARIANCE.)

05. WILL A VARIANCE HAVE AN ADVERSE EFFECT ON THE NEARBY PHYSICAL OR ENVORONMENTAL CONDITIONS?

CRITERIA USED FOR DETERMINING A USE VARIANCE

01. THE LAND IN QUESTION CANNOT YIELD A REASONABLE RETURN IF USED ONLY FOR A PURPOSE ALLOWED UNDER ITS PRESENT ZONING.

02. THE PLIGHT OF THE OWNER IS DUE TO UNIQUE CIRCUMSTANCES AND NOT DUE TO GENERAL CONDITIONS IN THE NEIGHBORHOOD WHICH MAY REFLECT THE UNREASONABLENESS OF THE ZONING ORDINANCE ITSELF.

03. THE USE TO BE AUTHORIZED BY THE VARIANCE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY.

04. THE ALLEGED HARDSHIP HAS NOT BEEN SELF-CREATED.

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:

	NO	YES
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.	☐	☐
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:	☐	☐

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:
   ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)
   ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):
   ☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☐

	NO	YES
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
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
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
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☐
_____		

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☐	☐
_____		

	NO	YES
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
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: _____		
_____		
_____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
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?	☐	☐
16. Is the project site located in the 100-year flood plan?	☐	☐
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: _____		
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: _____		
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: _____		
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: _____		

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: _____ Date: _____

Signature: _____ Title: _____

OSWEGO COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, TOURISM AND PLANNING

Tim Stahl
Director

COUNTY BUILDING
46 EAST BRIDGE STREET
OSWEGO, NEW YORK 13126

TELEPHONE (315) 349-8292
FAX (315)349-8279

Daniel Breitweg
Deputy Director

Donna B. Scanlon
Office of Community Development Programs

Kelly Allen
Office of Housing Assistance

Heather Snow
Office of Mobility Management

239 REVIEW SUBMISSION FORM

Submitted to: Oswego County Department of Community
Development, Tourism, and Planning
46 East Bridge Street
Oswego, NY 13126

Submitted by:

Review Agency: _____ Contact Person/Title: _____

Return Address: _____

Contact Email: _____ Contact Phone #: _____

Date submitted: _____ Public Hearing/ Meeting Date(s): _____

Project Details:

Applicant: _____ Municipality: _____

Site Address: _____ Voting District: _____

Tax Parcel Number(s): _____ Zoning District: _____

Pursuant to §239-f, -l, -m & -n of General Municipal Law enclosed for review and recommendation from the Oswego County Department of Community Development, Tourism, and Planning is an application for (check all applicable):

- □ Site Plan Review
- □ Special Use Permit
- □ Area Variance
- □ Use Variance
- □ Rezoning
- □ Subdivision
- □ Comprehensive Plan Adoption/Amendment
- □ Zoning Law Adoption/ Amendment
- □ Local Law Adoption/ Amendment
- □ Other: _____

The application qualifies for review because the project tax map parcel is located within 500 feet of the following (check all applicable):

- □ Municipal Boundary*
- □ State/County Park or Other Recreation Area
- □ State/County Road
- □ State/County Drainageway/Watercourse
- □ Farm located in an Agricultural District
- □ State/County-owned land on which a public building/institution is located

**Pursuant to General Municipal Law §239-nn, the legislative body or reviewing board of a municipality shall give notice of a public hearing for a proposed Special Use Permit, Use Variance, Site Plan Review or Subdivision Review to the Clerk of an adjacent municipality at least 10 days prior to the public hearing when the subject property is located within 500 feet of the adjacent municipality.*

The Clerk(s) of _____ were notified on _____.
(city/ town/ village) (date)

PROJECT-SPECIFIC QUESTIONS

In addition to the information required on page 1 of this form, please answer the following questions:

1. **Describe public facilities available in the area to be affected:**
   Water: _____
   Sewer: _____
2. **Will this action impact water or sewer facilities?**
   _____
   _____
3. **Describe any public services available in the area to be affected (jurisdiction or district):**
   Police: _____
   Fire: _____
   Refuse: _____
   School: _____
   Other: _____
4. **Will this action impact services listed above? Describe:**
   _____
   _____
5. **Will traffic be affected/ generated by the action? Describe:**
   _____
   _____
6. **Is this action in compliance with the following?**

Existing municipal plans:	☐ Yes	☐ No	☐ n/a
Local or State Subdivision Regulations:	☐ Yes	☐ No	☑ n/a
NYS Building & Fire Code:	☐ Yes	☐ No	☐ n/a
NYS Freshwater Wetlands Act:	☐ Yes	☐ No	☐ n/a
Federal Flood Insurance Program:	☐ Yes	☐ No	☐ n/a
Other Federal/State/County/Local laws:	☐ Yes	☐ No	☐ n/a

   If the action is non-compliant, please describe: _____
   _____
7. **Describe existing land use of areas to the north, south, east and west of the site/action:**
   North: _____
   South: _____
   East: _____
   West: _____
8. **Identify any State or County Facilities in the area (Roads, Parks, Buildings):**
   _____
   _____
9. **Identify any nearby water bodies, streams, wetlands, or flood-hazard zones in the area:**
   _____
   _____
10. **Describe any unique physical/ natural features or socio-economic conditions in the area:**
    _____
    _____

ADDITIONAL DOCUMENTATION CHECKLIST

In addition to the information provided on pages 1-2, please submit the following documentation:

All Actions Require the Following:

□ 239 Review Form (Page 1)
□ Full statement as required by local law or ordinance (all application materials)
□ Agricultural Data Statement, if applicable.
□ EAF or EIS for State Environmental Quality Review (SEQR)

Proposed or Amending Zoning Ordinances or Local Laws:

□ Report from Planning Board or Zoning Board, if applicable.
□ Zoning map to be adopted with new law, or existing map illustrating areas to be affected.
□ Zoning text: language of the proposed ordinance, law, or amendment.

Site Plan Reviews, Special Use Permits, Area Variances, Use Variances, and Subdivisions:

□ Site Plan(s) showing:

- Scale (suggested 1 inch: 20 feet if site <1 acre or appropriate scale for larger sites)
- North arrow
- Bulk table
- Adjacent tax parcel information
- Location of streets and highways
- Location of natural features
- Physical characteristics of the site
- Existing/ proposed septic system and well
- Layout plan showing buildings, parking, and utilities
- Surface and subsurface drainage plan
- Area map at 1:200' noting zoning in the area
- Location map

□ Floor plan(s), if available/ relevant

OSWEGO COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT, TOURISM AND PLANNING

David R. Turner
Director

COUNTY BUILDING
46 EAST BRIDGE STREET
OSWEGO, NEW YORK 13126

TELEPHONE (315) 349-8292
FAX (315)349-8279

Janet W. Clerkin
Office of Promotion And Tourism

Donna B. Scanlon
Office of Community Development Programs

Scott D. Smith
Office of Housing Assistance

AGRICULTURAL DATA STATEMENT

This form is required for all applications that are subject to 239 Review (GMU 12-B, Section 239) and that are located within 500 feet of farm operation(s) in agricultural districts. This form should be submitted to the Oswego County Department of Community Development, Tourism, and Planning for review. Any owner of a farm operation that is identified in this form must be notified of the project and project location.

1. **Applicant Information:**

Name: _____ **Address:** _____

Phone #: _____ **Email:** _____

2. **Project Details**

Address: _____ **Municipality:** _____

Tax Parcel Number(s): _____ **Zoning District:** _____

Description of project: _____

_____

_____

Type of Action/ Application:

□ Site Plan Review □ Use Variance □ Comprehensive Plan

□ Special Use Permit □ Rezoning □ Zoning Law/ Local Law

3. **Proximity to Farm Operations**

Is the project site located in or within 500 feet of an agricultural district? □ Yes □ No

Check any of the following "Farm Operations" within 500 feet of the project boundary:

□ Agricultural Production □ Farming Equipment □None of these

□ Farm Buildings □ Farm Residential Building

List the names & addresses of any owner(s) of land within the agricultural district containing a farm operation that are located within 500' of the boundary of the project boundary:

_____

_____

_____

Attach a copy of the tax map showing the site of the proposed project relative to the farm operation(s) that are located in the agricultural district.

Town of Schroeppel
Planning Board

Agricultural Districts & Agricultural Data Statement

Name and Mailing Address of Applicant: _____

_____

1. This property is within an Agricultural District containing a farm operation or is on property with boundaries within five hundred (500) feet of a farm operation located in an Agricultural District.

   _____ No _____ Yes - Complete parts 2,3 and 4 below

2. Description of the project (i.e., application for a site plan review, subdivision, planned development), which is located at *(address and property metes and bounds description)*. If necessary use additional paper._____

   _____

   _____

Oswego County provides a useful interactive mapping tool for identifying agricultural lands and identifying their owners **https://arcg.is/19DPzu**

3. Name and address of owners of land within the agricultural district containing farm operations that are located within five hundred (500) feet of the boundary of the property upon which the project is proposed.

(use additional page, if necessary)

4. Attach a copy of the tax map showing the site of the proposed project relative to the location of farm operations identified in this statement.

I, the applicant, have made the above determinations by a review of the Town Real Property Tax maps and the applicable agricultural district maps.

_____

Applicant *Date*

_____

Owner(s) *Date*