

BRIEF DESCRIPTION OF PROPERTY (historic use of property, property ownership, current use)

DESCRIPTION OF PROPOSED ACTION (include specific use proposed, the dimension, shape, grade, etc.)

AREA VARIANCE STANDARDS:

Application for an area variance must be based on practical difficulty and should provide relief of a dimensional nature (i.e., lot shape or grade) as opposed to a special privilege of convenience sought by the owner (the difficulty cannot be self-created). Furthermore, the difficulty should not produce an undesirable change (adverse effect or impact on the physical environmental conditions) in the character of the neighborhood or be a detriment to nearby properties should an area variance be granted. The Board shall consider whether the benefit sought by the application can be achieved by some feasible method other than an area variance. The burden of proof is on the applicant, and if the relief is warranted, it should be the minimum necessary.

DESCRIPTION OF DIFFICULTY: (describe the features or conditions of the property that would restrict reasonable use of the property under current zoning regulations).

COMPATIBILITY WITH NEIGHBORHOOD (describe the way the proposed use is unique yet applicable and consistent with adjoining development, will not cause substantial injury to neighboring properties or alter the essential character of the neighborhood in any way)

APPLICATION ATTACHMENTS:

To ensure appropriate and timely review of the application, please provide the following additional documentation in support of the application. Failure to provide all the applicable materials listed below may result in a delay in scheduling the application for review or Hearing by the Zoning Board of Appeals.

- ___ \$150.00 application fee (Cash, Credit Card (processing fee not included), Check)
- ___ Detailed site plan (see sample on following page)
- ___ Detailed drawings for parking layout, landscaping, and signage
- ___ Photographs of existing conditions
- ___ SEQR Assessment form - included in application
- ___ Mandatory Referral to Chautauqua County Planning Board – included

APPLICANT /OWNER AFFIRMATION:

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND I FURTHER UNDERSTAND THAT INTENTIONALLY PROVIDING FALSE OR MISLEADING INFORMATION IS GROUNDS FOR IMMEDIATE DENIAL OF MY APPLICATION.

FURTHERMORE, I UNDERSTAND THAT I (OR A DESIGNATED REPRESENTATIVE) MUST BE PRESENT AT THE HEARING TO REPRESENT THE APPLICATION AND RESPOND TO ANY QUESTIONS FROM THE ZONING BOARD OF APPEALS MEMBERS.

Signature (Applicant)

Date

IF APPLICANT IS NOT THE OWNER OF RECORD FOR THE SUBJECT PARCEL:

I, THE UNDERSIGNED, HEREBY AFFIRM THAT I AM THE OWNER OF RECORD FOR THE SUBJECT PARCEL AT THE TIME OF APPLICATION. FURTHERMORE, I AM FAMILIAR WITH THE REQUEST BY THE APPLICANT AND AUTHORIZE SAID APPLICANT TO REPRESENT THE INTEREST OF THE OWNER (S) IN FURTHERANCE OF THE REQUEST.

Signature (Owner)

Date

**MANDATORY REFERRAL TO
CHAUTAUQUA COUNTY
PLANNING BOARD**

In accordance with General Municipal Law 239-1 and 239-m, before issuing a Special Use Permit or granting a Variance affecting any real property lying within a distance of 500 feet of the boundary of this municipality or from the boundary of any existing or proposed County or State park or other recreation areas, or from the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, or from the channel owned by the county or for which the county has established channel lines, or from the existing or proposed boundary of any county or state-owned land on which a public building or institution is situated, the matter shall be referred to the Chautauqua County Planning Board.

Within 30 days after receipt of the full statement of such referred matter, the Chautauqua County Planning Board to which the referral is made, or an authorized agent of said agency, shall report its recommendations thereon to the Board of Appeals, accompanied by a full statement of the reasons for such recommendations. If the Chautauqua County Planning Board fails to report within such a period of 30 days, the Board of Appeals may act without such a report. If the Chautauqua County Planning Board disapproves the proposal or recommends modification thereof, the Board of Appeals shall not act contrary to such disapproval or recommendations except by a vote of a majority plus one of all members thereof and after the adoption of a resolution fully setting forth the reasons for such contrary action.

Within seven (7) days after final action by the Board of Appeals, modifications or disapproval of a referred matter, the Board of Appeals shall file a report of the final action it has taken with the Chautauqua County Planning Board, which had made the recommendations, modifications, or disapproval.

Matters to be referred to Chautauqua County Planning Board:

- adoption or amendment of a zoning map or regulations
- adoption or amendment of a comprehensive plan
- issuance of special use permits
- approval of site plans
- granting or use or area variances
- other authorization which a referring body may issue under the provisions of any zoning or local law

Through a legal agreement with the Chautauqua County Planning Board, the Town of Pomfret Zoning Board of Appeals has the following actions exempt from referral for County review:

Residential Area Variances:

- Rear & Side Building Setbacks
- Fences
- Decks
- Minimum Building Size
- Minimum Building Lot Size
- Size & Height of Garages
- Number of Storage Sheds
- Subdivision of Lots

Special Use Permits:

*Renewals (only)

SEQR REQUIREMENTS

New York's State Environmental Quality Review Act (SEQR) requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision-making. This means these agencies must assess the environmental significance of all actions they have discretion to approve, fund or directly undertake. SEQR requires the agencies to balance the environmental impacts with social and economic factors when deciding to approve or undertake an "Action"

If an action is determined not to have significant adverse environmental impacts, a determination of no significance or Negative Declaration is prepared. If an action is determined to have potential significant adverse environmental impacts, an Environmental Impact Statement (EIS) is required.

The SEQR process uses the EIS to examine ways to avoid or reduce adverse environmental impacts related to a proposed action. This includes an analysis of all reasonable alternatives to the action. The SEQR "decision-making process" encourages communication among government agencies, project sponsors and the general public.

Actions are classified into 3 different categories. The classification of the action will determine the level of initial environmental review that the project will receive, which could consist of: No further review; Full (Long form) EAF or Short Form and To Coordinate or not to coordinate with other agencies.

Type I Classification Actions - *are most likely to have significant adverse impact on environment, so are more likely to require EIS. (Not all Type I Actions are an automatic EIS requirement.)*

Some Examples:

- Large Residential facilities (in context of existing community size)
- In or "substantially contiguous to" Historical Register listed or eligible sites or parks
- Affecting agricultural districts
- Purchase, sale or other transfer of more than 100 acres

***Type I classifications require that the SEQR process continue**

Type II Classification Actions - *have been determined not to have a significant adverse impact on the environment and therefore do not require an EIS*

Some Examples:

- Most Maintenance or repairs - including upgrading building to meet building and fire codes
- 1, 2 or 3 family homes on approved lots
- New non-residential uses under 4,000 square feet (requiring no zoning change or use variance)
- Purchase or sale of supplies or equipment - land transactions not covered
- Minor structures, such as garages, barns, or home swimming pools, routine permit and license renewal with no substantial change in permitted activities
- Rebuilding or replacement of facilities, in kind, on the same site

***Type II classifications conclude at SEQR**

Unlisted Classification Actions - are any proposals or actions not specifically included on either the statewide Type I or Type II lists. This is the largest category of actions subject to SEOR review. Specific items are not listed since it is impossible to identify in advance every potential project or decision which an agency may need to consider

Some Examples:

- New 20-unit apartment building
- New non-residential use of 10 acres or less
- Parking for less than 1,000 cars
- Sale, purchase, lease, or other transfer of fewer than 100 acres of land by a government entity

NOTE: The SEQR regulations allow an agency to choose to apply the Type I initial review process to any unlisted action. Therefore, it is reasonable to treat any large or complex project that has been classified as Unlisted, as a Type I action.

***Required that SEQR continue**

Please complete Part I of the attached *Short Environmental Assessment Form* as a required part of the Zoning Board of Appeals Application process. Thank you.