

VILLAGE OF SOLVAY  
APPLICATION FOR  
VARIANCES/INTERPRETATIONS

Payment Date \_\_\_\_\_

Please submit 25 complete copies of all documentation

Fee: ( ) Area Variance - \$575.00 (non-refundable portion-\$75.00)  
( ) Use Variance - \$1,000.00 (non-refundable portion-\$250.00)  
( ) Interpretation \$75.00

Property Location \_\_\_\_\_

Tax Map number \_\_\_\_\_

Zoning District \_\_\_\_\_

Applicant: ( ) Owner ( ) Lessee ( ) Contract Purchaser ( ) Other

\*\*\* If not owner, provide authorization to apply for Owner.

Property Owner \_\_\_\_\_

Address \_\_\_\_\_

D/B/A \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

NATURE OF REQUEST \_\_\_\_\_

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

\*\*\*Please submit on a separate paper: the name and addresses of all adjoining neighbors, please including properties across the street.\*\*

Article \_\_\_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNATURE(S): Agent Authorization and Owner(s) must sign.

Owner/Applicant \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## INSTRUCTION FOR VARIANCE

The Village of Solvay Zoning Board of Appeals (ZBA) meets the second Monday of each month at 6:00 o'clock PM in the basement meeting room at the Village Hall 1100 Woods Rd. Solvay, NY. All applications and exhibits are to be completed and returned to The Code Enforcement Office no later than **three (3) weeks** prior to the Board meeting date.

(20) copies of the completed application along with all twenty (20) copies of the exhibits are required with an application fee as noted on attached application approved by the Village Board, in order for the application to be processed.

All applications must be completed in context before the ZBA will schedule a hearing.

All applicants or their authorized agent must appear at the scheduled public hearings. Failure to do so may result in a delays or denials.

### SUBMIT THE COMPLETED APPLICATION ALONG WITH THE FOLLOWING EXHIBITS

- A SITE PLAN OR SURVEY OF THE PROPERTY, SHOWING ALL EXISTING AND PROPOSED STRUCTURES ON WHICH THE USE VARIANCE IS INVOLVED. THE PLAN MUST DEPICT ALL AREAS DEVOTED TO PARKING, LANDSCAPING AND ITS RELATIONSHIPS TO TRAFFIC WAYS.
- A LETTER OF INTENT INDICATING THE EXACT USE , ALL HOURS OF OPERATION , NUMBER OF EMPLOYEES AND OTHER INFORMATION THAT MAY ASSOCIATED WITH THE PROPERTY
- A LETTER FROM OWNER OF THE PROPERTY ( IF NOT THE APPLICANT) APPROVING OF SAID APPLICATION.
- AN ENVIRONMENTAL (SEQRA) FORM
- ESTIMATE OF NUMBER OF CLIENTS AND LOCATION AT PEAK USE TIME.
- SIGNAGE INFORMATION, INCLUDING SIZE, LOCATION, TYPE AND LIGHTING MUST BE IDENTIFIED.

The Zoning Board of Appeals may, at its own discretion, send the application to the Village of Solvay Planning Board, or the City/County Planning agency for their review and recommendation.

- ◆ The Zoning Board of Appeals, on appeal of the decision or determination of the administrative official charged with the enforcement of the Zoning regulation shall have the power to grant use variances.
- ◆ No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for every permitted use under the zoning regulation for that particular district where the property is located.:

- {a} Under applicable zoning regulations the applicant is deprived of all economical use or benefit from the property which the deprivation must be established 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 or where the applicant acquired the property knowing of the existence of the condition of which he is now requesting relief.

<b>SUMMARY OF</b>
<b>AREA VARIANCE CRITERIA</b>
<b>1999 NYPF</b>

Balancing test – Board of Appeals shall balance benefit to applicant with detriment to health, safety, & welfare of the community.

Board of Appeals shall consider:

- ✓ **Whether benefit can be achieved by other means feasible to applicant.**
- ✓ **Undesirable change in neighborhood character or to nearby properties.**
- ✓ **Whether request is substantial.**
- ✓ **Whether request will have adverse physical or environmental effects.**
- ✓ **Whether alleged difficulty is self-created.**

If approved shall grant minimum variance necessary and may impose reasonable conditions.

<b>SUMMARY OF</b>
<b>USE VARIANCE CRITERIA</b>
<b>1999 NYPF</b>

To allow a use not otherwise allowed in zoning an applicant must demonstrate to the Board –*Unnecessary hardship*. Such demonstration includes all of the following for each and every permitted use:

1. **Cannot realize a reasonable return—substantial as shown by competent financial evidence.**
2. **Alleged hardship is unique and does not apply to substantial portion of district or neighborhood.**
3. **Requested variance will not altar the essential character of the neighborhood.**
4. **Alleged hardship has not been self-created.**

If approved shall grant minimum variance necessary and may impose reasonable conditions.

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.

<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? 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.			<b>NO</b>
			<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>
			<b>YES</b>
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			



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 solid waste management facility? If Yes, describe: _____ _____	NO	YES
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
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
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?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
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?		
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?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**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)