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TOWN OF CAZENOVIA • 7 ALBANY STREET • CAZENOVIA • NY 13035 • 315-655-9213

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Deposit Fee:

CRITERIA NECESSARY TO DEMONSTRATE TO THE  
ZONING BOARD OF APPEALS THE LEGITIMACY OF:

\$\_\_\_\_\_

Application Fee:

\$\_\_\_\_\_

A USE VARIANCE

An applicant for a Use Variance must demonstrate to the Board of Appeals that the zoning has caused unnecessary hardship, which is defined to require a showing:

1. That under the applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property, and
2. That the hardship is unique, and does not apply to a substantial portion of the district or neighborhood, and,
3. That the variance will not alter the essential character of the neighborhood, and
4. That the hardship is not self-created.

AN AREA VARIANCE

Town Law Section 267-b(3)

1. 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 the new variance.
2. Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
3. Whether the requested variance is substantial.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Whether the alleged difficulty was self-created (that it was, will not necessarily preclude the granting of the area variance).

# TOWN OF CAZENOVIA

## FORM OF APPEAL OR APPLICATION

An appeal or application must be in writing and on file in the Town Clerk's office during regular business hours FIFTEEN (15) days prior to the regular scheduled Town Planning Board meeting and contain or include the following:

1. Name and address of the petitioner and his relationship to the subject property, i.e., whether he is owner, lessee, etc.
2. Legal description of subject property and its street address.
3. Zone in which the subject property is located.
4. What permit, determination, ruling, interpretation or variance is sought, setting forth the articles and sections of the said ordinance under which the appeal or application is submitted.
5. SITE PLAN MAP showing:
  - a. North Arrow, scale of map
  - b. Location and accurate dimensions of existing and proposed structures; parking areas; and available utilities
  - c. Location of County or State facility or Corporate Village Line
  - d. Zoning classification of proposal
  - e. Surrounding land use (within 200' of subject property lines)
  - f. Surrounding zoning classifications(A certified plot plan may be required where boundary is an issue. Site plan approval may be conditional pending completed plans.)
6. Descriptions of the proposed use and the exterior construction and appearance of the proposed buildings and structures (Blueprints of proposed structure may be required)
7. Whether or not an application has been made to the Zoning Enforcement Officer and the date and nature of the disposition made by him.
8. Whether or not an application has been made to the Planning Board and the date and nature of the disposition made by it.
9. Decision by the Madison County Planning Board if applicable.
10. Grounds of the appeal or application.
11. Names and addresses of all owners of land which immediately adjoins the subject property or which abuts the same street or streets as such property and is within 500 feet of the exterior boundaries of such property (exclusive of street rights-of-way). A sample copy and date of their notification shall be supplied.(see page 6 for details)
12. The deposit and application fees MUST be paid at the time application is submitted to the Town Office.

# DEVELOPMENT & PROJECT DEPOSIT FEES SCHEDULE

Relative to: Local Law No. 3 - 2006 (adopted 10/2/06)

Local Law No. 3 - 2007 (adopted 2/12/07)

**The following fees must be placed on account with the Town of Cazenovia at the time of application submittal.**

## Variances:

Area Variance.....\$350.00 per app  
Use Variance.....\$650.00 per app  
Special Use Permit.....\$350.00 per app

## Cell Towers: fee is NON-REFUNDABLE

New Tower.....\$3,500.00 per app  
Co-location.....\$750.00 per app

Escrow fees to offset legal, engineering, and other professional consultation expenses for any project before the Town of Cazenovia Boards (Town Board, Planning Board, Zoning Board of Appeals) are collected and placed in a separate escrow account at the time of application to the Board(s). The balance is returned to the applicant approximately 45 days after the completion of the project - or, if more funds are needed, a written request will be made.

**The Development & Project Fee must be submitted in a separate check payable to the Town of Cazenovia.**

In recent years, most Central New York towns and villages have enacted laws which require applicants for zoning relief to reimburse the municipality for professional fees associated with the review of such applications. In Cazenovia, Local Law 3-2006 would require that applicants for special permits, variances, site reviews and subdivisions as well as developers who construct new roads, drainage facilities, utilities or parks who apply for a new or extended special district, reimburse the Town for all engineering and legal expenses associated with the process. This reimbursement is completely separate from any application fees (which are used to offset the costs of the Codes Office, the ZBA and the Planning Board). The philosophy behind this reimbursement law is that applicants, the persons who will benefit from the application if approved, should pay the costs associated with the review process rather than the Town's taxpayers who receive no direct benefit from the application.

Normally, the attorneys review the application for compliance with Town requirements, review and help to guide the Boards through the environmental review process, prepare necessary documents for environmental review, prepare certain referrals to the County Planning Board, if required by statute, advise the Board with respect to legal issues involved and prepare resolutions as needed. Most applications require some, if not all of these items. If the application warrants, as determined by the reviewing Board, the application will be referred to the Town Engineers for review and recommendation. Normally, issues involving drainage or traffic will lead to engineering involvement.

At the time your application is submitted to the Town, you must also submit the required deposit AND any pertinent application fee(s). The reviewing Board will not accept your application as complete nor will it process your application unless the application fee and the development deposit are delivered to the Town.

Developer deposits are an estimate of what it will take to complete a review of your application under normal circumstances. If the deposit is exceeded, you will be required to pay additional amounts. If there is a balance left after final action by the Town, it will be returned to you. You are only required to pay fees that are reasonable and necessary. This is not a "blank check" process. A formal review procedure exists for any questions you may have regarding professional billings.

Engineering and legal costs can be minimized by the submission of complete applications, including required plans in the detail required by the zoning law or subdivision regulations, as the case may be. Copies of relevant Town laws, including the Developer Fees Law, can be obtained from the Town Clerk's Office.

**Cazenovia Town Board  
Resolution No. 29  
unanimously adopted 3/8/04**

- 1. All applicants, and their agents, including lawyers, engineers, surveyors, etc, with projects before the Planning Board, Zoning Board of Appeals, and Town Board, must supply at least two complete and identical copies of all maps, plans, drawings, engineering reports, or any paper document that cannot be easily reproduced on-site by the Town of Cazenovia Office.**
- 2. Upon arranging the sign-out of the documents with the Town Office, any interested party may borrow the duplicate copy for the purpose of reproduction and/or study, for a period not to exceed three days.**
- 3. This policy is to go into effect immediately and pertains to all current projects before the Planning Board, Zoning Board of Appeals, and Town Board, as well as future projects.**



**What must be proven in order to be granted an area variance** – State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community.

Please answer the following questions:

1) 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 the area variance \_\_\_\_\_

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

2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance \_\_\_\_\_

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

3) whether the requested area variance is substantial \_\_\_\_\_

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

4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district \_\_\_\_\_

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

5) whether an alleged difficulty is self-created \_\_\_\_\_

\_\_\_\_\_

**What must be proven in order to be granted a use variance** - If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove “unnecessary hardship.” To prove this, State law requires the applicant to show ***ALL*** of the following:

1) that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual “dollars and cents” proof must be submitted) \_\_\_\_\_

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

2) that the property is being affected by unique, or at least highly uncommon circumstances \_\_\_\_\_

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

3) that the variance, if granted, will not alter the essential character of the neighborhood \_\_\_\_\_

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

4) that the hardship is not self-created \_\_\_\_\_

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



**TOWN OF CAZENOVIA**

**APPLICATION FOR USE VARIANCE,  
SUBDIVISION/CONTROLLED SITE/SPECIFIC PERMIT**

1. The property is within an Agricultural District containing a farm operation or on property with boundaries within 500 feet of a farm operation located in an Agricultural District:

\_\_\_\_\_ YES \_\_\_\_\_ NO

2. If the above answer is yes, the Applicant must prepare an Agricultural Data Statement which is annexed hereto.

3. I, the Applicant, have made the above determinations by a review of the Town Real Property Tax Maps and the applicable Agricultural District Maps.

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APPLICANT

BY:-----  
(Title)



## 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? 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.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
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:			NO <input type="checkbox"/>
			YES <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, are adjoining or near the proposed action:			
5. <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,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<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?	NO	YES	
If Yes, identify: _____	<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 services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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?	<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?	<input type="checkbox"/>	<input type="checkbox"/>	
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: <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 plan?	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,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
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: _____ _____	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"/>
<p><b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor/name: _____ Date: _____</p> <p>Signature: _____ Title: _____</p>		