



**Village of Webster**  
28 West Main Street  
Webster, NY 14580  
Phone: 585-265-3770  
Fax: 585-265-1004

## **ZONING BOARD OF APPEALS**

### **APPLICATION**

1. The Zoning Board of Appeals meets the 3<sup>rd</sup> Tuesday of each month, at 7:00pm, in the Community Meeting Hall, 29 South Avenue if there is a scheduled meeting.
2. In order to be placed on the Zoning Board of Appeals agenda, the following list of items below must be submitted by the deadline date (call the Village office for specific dates). All agendas are published in the official Village newspaper, the Webster Herald.

### **SUBMITTALS NEEDED FOR ZONING BOARD OF APPEALS**

- |                          |           |
|--------------------------|-----------|
| 1. Letter of Intent      | 12 copies |
| 2. Application Form      | 12 copies |
| 3. Environmental Form    | 12 copies |
| 4. Plans -               | 12 copies |
| Site Plan                |           |
| Elevation                |           |
| Floor Plans              |           |
| *Electrical              |           |
| *Plumbing                |           |
| *HVAC                    |           |
| 5. Petition of Neighbors | 12 copies |
| within 300 feet of       |           |
| proposed application or  |           |
| affidavit of mailing     |           |
| 6. Application fee       |           |

\* Electrical, plumbing, and HVAC plans are to be submitted to the building inspector prior to issuance of permit.



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## **Zoning Board of Appeals Application Directions**

### **1. Letter of Intent**

In the *letter of intent* the applicant is introducing themselves to the board to which the letter is addressed. The letter should give a basic overview of the project including dimensions as well as specifics of the location and purpose for the project. If applicable, the *letter of intent* should also address some of the reasons why the applicant may need a variance.

### **2. Application Form**

Fill this out to the best of your ability, and if you have any questions on the form, the office staff would be happy to help you. Some of the questions may not apply to your request. The applicant is responsible for completing the entire application. Please be sure to fill in the job description and dimensions for the project.

### **3. Environmental Form**

The *short environmental form* is required to be filled out for all applications, unless a major project demands the long form. This form is used to determine if the project will have any environmental impacts on the property or neighborhood. Only **part 1** (one) should be filled out by the applicant.

### **4. Plans**

The plans submitted should include site (survey, for residential non-commercial projects), elevations for the structure, and floor plans if applicable. Some projects should include color renderings to help the Zoning Board visualize the project.

### **5. Petition of Neighbors**

The *petition of neighbors* is a basic notification to all the neighbors within 300' (feet) of the project. This lets the Zoning Board know that the applicant has informed the neighbors most likely to be impacted by the project. The petition itself can simply be a short paragraph at the top of the page and then several lines marked "name/address" for the neighbors to fill in, and the dates of the meeting(s). You may also provide an affidavit for mailings.

### **6. Area Variance Form**

If a variance is required, the applicant must complete **part 1** (one) of this form. Please be sure to answer the questions as completely as possible.

### **7. Application Fee**

The application fees are set by the Village Board and are found on the *Yearly Prevailing Fee Schedule*. Please see administrative assistant for current Zoning Board of Appeals fees.



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Office (585)-265-3770 ~ Fax: (585)-265-1004

## **\*Application to Village of Webster Zoning Board of Appeals**

### **Section 1: Contact Information**

1. Applicant's Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Phone \_\_\_\_\_ Fax # \_\_\_\_\_
2. Property Owner's Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Phone \_\_\_\_\_ Fax # \_\_\_\_\_
3. Relationship of Applicant to owner (i.e., tenant, agent, purchaser under contract, same person, other) \_\_\_\_\_
4. Applicant's Attorney \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Phone \_\_\_\_\_ Fax # \_\_\_\_\_
5. Applicant's Engineer \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Phone \_\_\_\_\_ Fax # \_\_\_\_\_

### **Section 2: Application Type**

- ☐ Subdivision Classification ( \_\_\_\_\_ Minor \_\_\_\_\_ Major)
- ☐ Major Subdivision (Preliminary)      ☐ Major Subdivision (Final)
- ☐ Site Plan ( Preliminary )      ☐ Site Plan (Final)
- ☐ Amended Site Plan
- ☐ Variance (if checked, please explain nature)
- ☐ Other (if checked, please explain nature)


### Section 3: Property Information

Property Address \_\_\_\_\_

Tax Map # \_\_\_\_\_

1. The premises are situated on the (east, west, north, south) side of \_\_\_\_\_  
and are approximately \_\_\_\_\_ feet from \_\_\_\_\_;  
(landmark or intersection of street)

2. Present use of property: \_\_\_\_\_  
How long? \_\_\_\_\_

3. Is property or any structures located on property subject to any variances  
granted?      \_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Attach copies of any deed restrictions or easements presently affecting the property.

5. Proposed use of property and purpose of submission: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Has any site plan subdivision approval affecting this property been previously  
granted?      \_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Does the property abut any state or county roads?      \_\_\_\_\_ Yes      \_\_\_\_\_ No

If yes, name roads: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Section 4: Zone Information

1. Property is located in the \_\_\_\_\_ zone.

2. Permitted use with this zone.

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3. Bulk Information – Specifics

Specific Item	Requirements of Ordinance	Existing or Proposed Dimension
A. Minimum lot area (sq. ft.)		
B. Minimum frontage at street line.		
C. Maximum percentage of lot to be occupied by principal building.		
D. Maximum percentage of lot to be occupied by principal & accessory buildings.		
E. Minimum required yard areas:		
1. Front yard		
2. One side yard		
3. Total of two side yards		
4. Rear yard		
F. Minimum distance of accessory building to:		
1. Side lot line		
2. Rear lot line		
G. Maximum square foot of accessory building		
1. Height		
2. Square foot		
H. Maximum Square footage of garage		
I. Maximum height of building:		
1. In stories		
2. In feet		

## Section 5: Environmental Impact Study

1. Is an environmental impact statement being submitted? ☐ Yes ☐ No  
If no, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Will a request be made for a waiver environmental impact statement? ☐ Yes ☐ No  
If no, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Are you disturbing one acre or greater? ☐ Yes ☐ No  
If yes, explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Have you filed for an NPDES permit? ☐ Yes ☐ No

## Corporate Information

If the applicant is a corporation or partnership, the names and address of all stockholders or partners owning 10% or greater interest in said corporation or partnership shall be set forth below in accordance with PL. 1977 CH. 336.

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## Section 6: Signature

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Date

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Signature of Applicant

\*Note: The applicant is responsible for familiarizing him/herself with the Village of Webster's Subdivision rules located in chapter 137 in the Code of the Village of Webster.

**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				

5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<b>NO</b>	<b>YES</b>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<b>NO</b>	<b>YES</b>	
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: _____ _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<b>NO</b>	<b>YES</b>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<b>NO</b>	<b>YES</b>	
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: _____ _____ _____	<b>NO</b>	<b>YES</b>	
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?	<b>NO</b>	<b>YES</b>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
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? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	<b>NO</b>	<b>YES</b>	



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: _____ _____ _____	<b>NO</b>	<b>YES</b>
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: _____ _____ _____	<b>NO</b>	<b>YES</b>
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: _____ _____ _____	<b>NO</b>	<b>YES</b>
<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.

- ☐ 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.
- ☐ 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)

# Village of Webster

## ZONING BOARD OF APPEALS AREA VARIANCE FINDINGS & DECISION Part 1

Applicant: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Variance No: \_\_\_\_\_  
Zoning District: \_\_\_\_\_  
Published Notice on: \_\_\_\_\_  
Notice to County Sent on: \_\_\_\_\_  
Hearing Held On: \_\_\_\_\_

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

Requirement for which Variance is requested: \_\_\_\_\_

Applicable Section of Village Zoning Code: \_\_\_\_\_

### FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: ☐ Yes ☐ No

Reasons: \_\_\_\_\_  
\_\_\_\_\_

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: ☐ Yes ☐ No

Reasons: \_\_\_\_\_  
\_\_\_\_\_

3. Whether the requested variance is substantial: ☐ Yes ☐ No

Reasons: \_\_\_\_\_  
\_\_\_\_\_

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:  
☐ Yes ☐ No

Reasons: \_\_\_\_\_  
\_\_\_\_\_

5. Whether the alleged difficulty was self-created: ☐ Yes ☐ No

Reasons: \_\_\_\_\_  
\_\_\_\_\_

# Village of Webster

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

## Part 2

The ZBA, after taking into consideration the above five factors, finds that:

- ☐ The benefit to the applicant **DOES NOT** Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- ☐ The benefit to the applicant **DOES** outweigh the Detriment to the Neighborhood or Community. Reasons:

\_\_\_\_\_

\_\_\_\_\_

The ZBA further finds that a variance of \_\_\_\_\_ from Section \_\_\_\_\_ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: \_\_\_\_\_

\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Condition No. 2: \_\_\_\_\_

\_\_\_\_\_

Adverse impact to be minimized: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Chairman, Zoning Board of Appeals

\_\_\_\_\_  
Date

### RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	_____	_____	_____
Member	_____	_____	_____
Member	_____	_____	_____
Member	_____	_____	_____
Member	_____	_____	_____



**AFFIDAVIT OF MAILING**  
**For Village of Webster**  
**Zoning Board of Appeals**

\_\_\_\_\_, 20\_\_\_\_  
month/day

To Whom It May Concern:

Please find enclosed a list of mailing notices that were sent out to property owners that live within three hundred (300) feet of the outside perimeter or boundary line of the property involved in the variance application for the \_\_\_\_\_ project.

This affidavit hereby shows that these mailing notices were sent out by first class mail at least ten (10) days prior to the variance hearing and that this affidavit was received seven (7) days prior to said Zoning Board of Appeals meeting.

Sincerely,

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone # \_\_\_\_\_

Applicant Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

Sworn to me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Dear Neighbor:

Please let this letter serve as a notice that the following application is scheduled for a Public Hearing before the Village of Webster Zoning Board of Appeals.

DATE: \_\_\_\_\_

PLACE: \_\_\_\_\_

TIME: \_\_\_\_\_

SUBJECT PARCEL: \_\_\_\_\_

Description of variance requested: \_\_\_\_\_

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Comments and concerns will be welcome in writing or in person at the time of the hearing.

ZBA contact information:

Telephone: 265-3770

Email: [joneill@villageofwebster.com](mailto:joneill@villageofwebster.com)

Address: Zoning Board of Appeals  
28 West Main Street  
Webster, NY 14580

Sincerely,

Applicant: \_\_\_\_\_