

APPLICATION
TOWN OF POMPEY – ZONING BOARD OF APPEALS
Town of Pompey, 8354 U.S. Route 20, Manlius, NY 13104

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY

THE ZONING BOARD OF APPEALS meets on the 2nd Monday of the month, this schedule is subject to change. For your application to be placed on the agenda for the Zoning Board, please see the attached list of meeting dates and file deadlines. The placement of your application on the ZBA agenda is subject to caseload and/or the evaluation of your application under the New York State Environmental Quality Review Act and the requirements for referral to the Onondaga County Planning agency.

The ZBA Board reserves the right to limit the number of cases it hears at any one meeting to the first applications received. Additional applications may be delayed until a later meeting despite submissions prior to the File by Date.

An incomplete application will not be considered at all.

Once an application has been scheduled a public meeting notice will be published in the Eagle Bulletin and a meeting agenda will be mailed/emailed to each applicant. All scheduled applications will be open for inspection at the Town of Pompey, Town Clerk's Office.

Unless otherwise notified, all ZBA meetings will begin at 7:00PM at the Pompey Town Hall, Town of Pompey, 8354 U.S. Route 20, Manlius, NY 13104. The applicant or an authorized representative is encouraged attend the meeting to present their application to the Zoning Board of Appeals Board.

VARIANCE SUBMITTAL REQUIREMENTS

1. Application packet **which must include – Building Permit that has been denied by the Code Officer, ZBA application, survey, building plans, disclosure affidavit and the (*short environmental assessment form - only for commercial property*)** will be needed for the ZBA Board.
2. One **copy** of an accurate survey map of the property drawn by a licensed land surveyor. The survey must designate existing structures and proposed structures or additions. The survey must also show driveways and/or parking spaces as well as the distances from the rear, front and side property lines to the closest point on the primary structure. Distances from accessory or secondary structures to boundary lines should be shown as appropriate.
3. Environmental Assessment Form (*only for commercial property*): Page 1 must be completed by the applicant if short form is used.

4. A fee of \$_____.00 for a residential area variance, \$_____.00 for a Commercial area variance, \$_____ for a use variance, checks are to be made payable to the Town of Pompey.

Area Variances – 5 Criteria Questions

If the applicant requests an area variance from the Town of Pompey Municipal Code, the applicant must consider the 5 criteria questions and be prepared to respond to the ZBA Board if requested to. These questions must be answered on a separate sheet of paper and submitted with your application.

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?
2. Whether the Variance will result in an undesirable change in the character of the neighborhood?
3. Whether the requested variance is substantial?
4. Whether the Variance will have an adverse effect on physical or environmental conditions?
5. Whether the alleged difficulty was self-created?

Use Variances:

If the applicant requests to use the subject property for purposes which are not allowed or are prohibited by the Town of Pompey Municipal Code, the applicant must demonstrate unnecessary hardship. To prove unnecessary hardship, the applicant must submit evidence to demonstration that:

1. The applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.
2. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood.
3. That the request use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

Use the space below or submit a separate documentation to present the necessary proof. Opportunity will also be given to present proof at the public hearing.

This section is for - office use only.

Received by: _____

Date: _____

Payment: _____

Receipt #: _____

TOWN OF POMPEY – ZONING BOARD OF APPEALS

APPLICANT / PROPERTY INFORMATION

Date: _____

1. Property Address: _____

Property Tax Map # _____

The Applicants Purpose (new construction, alteration, extension, restoration, modification or other action) with respect to the subject property; _____

2. Owner of Property: _____

Owner's Address: _____

Owner's E-Mail: _____

Owner's Phone #: _____ Does Owners reside at property: _____

Signature of Property Owner: _____

3. Applicant / Representative / Attorney:

Name: _____ Company: _____

Address: _____

Phone: _____ E-Mail: _____

Below this line - For Office Use Only

Application Received by: _____ Date: _____

Payment Receipt #: _____

Date of Denial of Building Permit Application: _____ Current Property Zoning: _____

The subject property will be in conformity with all zoning use as outlined in Chapter 155 of the Town of Pompey Municipal Code, except as stated here by the Code Officer:

APPLICANT WILL PROVIDE ANSWERS TO THE FOLLOWING QUESTIONS SO THE ZONING BOARD OF APPEALS CAN DETERMINE IF THE BENEFIT TO THE APPLICANT OUTWEIGHS THE DETRIMENT TO THE COMMUNITY. (Applicant may supplement the below with additional pages)

1. Whether the benefit sought by the Applicant can be achieved by some other feasible method?

2. Whether the Variance will result in an undesirable change in the character of the neighborhood?

3. Whether the requested variance is substantial?

4. Whether the Variance will have an adverse effect on physical or environmental conditions?

5. Whether the alleged difficulty was self-created?

TOWN OF POMPEY
DISCLOSURE AFFIDAVIT

This affidavit is a part of and must be completed and attached to every application, petition, request submitted for a *site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit.*

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

I _____, being duly sworn, deposes and says that (s) he is:
 (*Notary*)

(applicant, petitioner, corporation officer, property owner, etc.)

II. That deponent has read and is familiar with the provisions of the General Municipal Law, Section 809 which states:

- A. Every application, petition or request submitted for a site plan, variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions or any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
- B. For the purpose of this action an officer or employee shall be deemed to have an interest in the applicant when (s)he, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
 - 1) is the applicant, or
 - 2) is an officer, director, partner or employee of the applicant, or
 - 3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - 4) is a party to an agreement with such an applicant, express or implied, whereby (s) he may receive any payment or other benefit, whether or not for services rendered, or contingent upon the favorable approval of such application, petition or request.
- C. Ownership of less than five percent (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
- D. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

III. That no Town of Pompey officer, employee or a relative of either, as defined in Section 809 General Municipal Law has any interest in this application.

-OR-

If a Town of Pompey officer, employee or relative of either as defined in Section 809 General Municipal law has any interest in this application, the full particulars are provided on an attached sheet.

Date: _____, 20____

Date: _____, 20____

(Print Name of 1st Applicant)

Print Name of 2nd Applicant)

(Signature of 1st Applicant)

(Signature of 2nd Applicant)

(Entity Name)

(Entity Name)

By (Officer) (Title)

By (Officer) (Title)

(Mailing Address of 1st Applicant)

(Mailing Address of 2nd Applicant)

(Telephone Number)

(Telephone Number)

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

On this _____ day of _____ in the year 20____, before me, the undersigned, a notary public in and for said state, personally appeared _____

(1st Applicants Name)

, and _____ personally known to me or proved to me on the basis
(2nd Applicants Name)

of satisfactory evidence to be the individual whose name is subscribed to the within Petition and acknowledged to me the he/she/they executed the same in his/her/their capacity, and that by his/her/their signature(s) on the Petition, the individual or the persons upon behalf of which the individual acted executed the instrument.

Notary Public

SEAL

CORPORATE ACKNOWLEDGEMENT

STATE OF NEW YORK)
) SS:
COUNTY OF ONONDAGA)

_____, being duly sworn, deposes and says the
 (*Applicant Name*)
s(he) is the _____ of _____
 (*Applicant Title*) (*Company Name*)
corporation named in the within Application/Petition, that s(he) has read the foregoing affidavit and
knows the contents thereof; that the same is true of s(he) own knowledge, except as to those matters
therein stated to be alleged upon information and belief, and as to those matters s(he) believes it to be
true.

Applicant Signature

Subscribed to me before this _____ day
of _____, 20_____

SEAL

Notary Public