

Town of Horicon
Zoning Board of Appeals (ZBA)

Variance Instructions

Section 16 - Town of Horicon Zoning and Project Review

1. Attach your Zoning Compliance application Denied by the Town of Horicon Zoning Administrator. If this is variance application for a Subdivision, Conditional Use, Site plan or Special use permit a denial is **not** required.

2. Fill out and return **Ten (10) copies** of the application and all **relevant materials** to the Town of Horicon Zoning & Planning Office. You need not copy these instructions or unrelated pages if they are not relevant to your proposal.

 A) Deadline for applications is a **minimum of 14 days prior** to the regularly scheduled meeting. The ZBA meetings are held on the fourth Tuesday of each month at 7:00 PM.
 Schedule may change due to special circumstances, please check with the zoning office for details.

3. A plot plan of the lot, **drawn to scale** must be attached, indicating the location and size of the lot, size and location of the proposed improvement(s) thereon and any size and location of proposed improvement(s) to be erected thereon. **Ten (10) copies**. You **MAY** be asked to provide a **recent survey** of the property. (The board will determine if a recent survey is needed).

4. If application is being represented by someone other than the owner of record, then the **AUTHORITY TO ACT AS AGENT FOR PROPERTY OWNER** must be completed, notarized and attached to this application, **Ten (10) copies**.

5. Include deed(s) or other proof of ownership. **One (1) copy**.

6. Complete an Environmental Assessment form (if applicable) Short Form Part 1 **ONLY, Ten (10) copies**. (Download Form from dec.state.ny.us or horiconny.gov website if one is not attached).

7. Enclose a check for \$100.00 made payable to the Town of Horicon.

8. Place batter stakes (if applicable) at the site location for inspection by the Zoning Administrator.

9. Are there any additional documents presented as part of this application? YES NO

Applicant's Check List:

- 1) Zoning Compliance Certificate Denial (if applicable) _____
- 2) Application _____
- 3) Plot Plan _____
- 4) Authorization Form (if applicable) _____
- 5) Deed(s) or other proof of ownership _____
- 6) Environmental Assessment Form (if applicable) _____
- 7) Payment _____
- 8) Batter Stakes (if applicable) _____
- 9) Additional Documents (if applicable) _____

Town of Horicon ZBA

PO Box 90 Brant Lake, NY 12815

(518) 494-4245

Fax (518) 494-5240

E-Mail: zoningplanning@horiconny.gov

Website: horiconny.gov

Application # _____

Decision: _____ Date: _____

Variance Approval/Denial for: _____

Variance Application

1. Property Owner's Name: _____

Mailing Address: _____

Contact Number(s) Phone/Email: _____

2. Applicant's Agent/Representative's Name (if Applicable): _____

(You must complete the Authority to Act as Agent form)

Address: _____

Contact Number(s) Phone/Email: _____

3. Location of Property (911 address): _____

4. Tax Map Number or S/B/L: _____

5. Parcel Size (Acres or Sq. Ft.): _____

6. Zone Classification (District Symbol & Acres) (see list): _____

CR-20,000 sq. ft., CR-3.2 acres,
R1-20,000 sq. ft., R1-1.3 acres, R1-2 acres, R1-3.2 acres, R1-10 acres,
R1A-3.2 acres, R1A-5 acres, R2-2 acres, R2-3.2 acres, R2-5 acres, R2-10 acres,
LC-10 acres, LC-42.6 acres, RRD-3.2 acres, RRD-5 acres, RRD-10 acres.

If parcel is in multiple zones please indicate all zones.

7. APA Zoning Classification (see list): _____

Hamlet Moderate Intensity Use Low Intensity Use Rural Use Resource Management Industrial

If parcel is in multiple zones please indicate all zones.

8. Briefly explain your proposal: (example: build a 24' x 24' garage, subdivide property into 2 lots, install a dock more than 40' long) This information that will appear on the agenda.

9. Indicate what decision you received from the Zoning Administrator:

Denial of an application for a Zoning Compliance Certificate (Land Use Permit)
(You must attach that decision to this application)

Other explain (Subdivision, Conditional Use, etc): _____

10. What is/are the Applicable Section(s) of the Zoning Code that applies to this project:

Section(s): _____

11. What is the current use of the property (residential, undeveloped, commercial): _____

12. List ALL structures that are present on this parcel today: _____

13. Describe (if anything) that will be done with any and all structures that are currently present on this parcel today: _____

14. Circle kind of variance you are requesting: **Area Variance** (Usual request)
Use Variance **Other** (These are not common)

15. Indicate what type and size of variance you are requesting, (fill in all that apply):

If unknown, check with Zoning Administrator for appropriate minimum setback requirements for each zoning district.

**** EXAMPLE: ****

Roadway Setback: 60' from CL of road (CL = center line)

Type of Variance Requested	A Minimum Requirement (see intensity regulations)	B Amt. of Variance Applied For (i.e. where the proposed structure will sit on parcel or acreage needed etc.)	C Variance Request (A minus B)
Density (Acreage)			
Shoreline frontage			
Shoreline setback			
Roadway frontage			
Roadway setback			
Front Yard setback			
Rear Yard setback			
Side Yard setback			
Dock Surface Area			
Other (please list)			

** All variances will be reviewed by the Zoning Administrator for accuracy.*

Zoning Administrator Review:
(Initialed if accurate) _____

15 a. If variance(s) are not listed above or you need additional space, state your variance request here:

Warren County Planning Board questions:

1) Is this parcel within 500 feet of a County or State Road, (see list below)

YES NO

County and State Roads:

State Rte. 8

Palisades Rd. - Co. Rd. #26

East Shore Dr. - Co. Rd #15

Valentine Pond Rd - Co. Rd. #55

Horicon Ave - Co. Rd. #31

Market St - Co. Rd. #33

East Schroon River Rd - Co. Rd.#64

Watering Tub Rd - Co. Rd. #53

2) Is this parcel within 500' of a State or County Right of Way, County or State Park, County or State Municipal Boundary, County or State watershed draining, or any County or State Facility? YES NO

Adirondack Park Agency (APA) questions:

1) Are there wetlands on the property? YES NO UNKNOWN

IF YES, _____Acres/Sq. Ft.

IF UNKNOWN, have you contacted the APA to inquire if wetlands exist on parcel or requested a site review to flag possible wetlands? YES NO

2) Is an Adirondack Park Agency (APA) permit required? YES NO UNKNOWN

IF YES, Have you applied for an APA permit? YES NO

IF YES, please attach correspondence you have had with the APA

IF NO, Explain _____

IF UNKNOWN, have you applied for an APA Jurisdictional determination (JIF) or had contact with the APA for determination? YES NO

IF YES, please attach application for jurisdictional determination.

IF NO, explain _____

Do NOT complete this page if you are applying for a Use Variance

The following information must be provided in detail (on separate sheets if necessary).

Area Variance

Applicant must demonstrate that the Ordinance imposes a practical difficulty on the property.

Board may grant minimum variances necessary and may impose reasonable conditions.

A. The strict application of the Zoning Ordinance would result in the following practical difficulty:

Explain: _____

B. Will there be an undesirable change in neighborhood character or to nearby properties? YES NO

Explain: _____

C. Will there be an adverse physical or environmental effect? YES NO

Explain: _____

D. Are there any feasible alternatives? YES NO

Explain: _____

E. Is the variance requested the MINIMUM VARIANCE in which would alleviate the identified practical difficulty? YES NO

Explain: _____

F. Other Comments: _____

Do NOT complete this page if you are applying for an AREA Variance

The following information must be provided, in detail (on separate sheets if necessary).

Use Variance

**Applicant must prove that the Ordinance imposes
Unnecessary hardship on the property.**

Board may grant minimum variances necessary and may impose reasonable conditions.

A. Is a reasonable return possible if land is used as zoned? YES NO

Please include competent financial evidence:

Explain: _____

B. Is the application of the zoning requirements of this district resulting in problems unique to the property in question? YES NO

Explain: _____

C. Will there be an adverse effect on the character of the neighborhood? YES NO

Explain: _____

Signature Page

Notice is hereby given that in the event the Town of Horicon determines that technical assistance is needed to review the project, the reasonable and necessary expenses associated with such review shall be borne by the project applicant.

Applicant's Signature

Date

I, We hereby authorize the Town of Horicon, it's employees and authorized agents access to the property for purpose of inspection.

Applicant's Signature

Date

I, We hereby authorize the Town of Horicon, it's employees and authorized agents access to the property for purpose of inspection.

Official Use Only

Date Received _____

Payment: Ck. # _____ Cash _____

Initial Office review completed w/ any comments: _____

Date deemed complete _____

Warren Co referral Date (if required) _____

Warren Co decision - see attached form (if required)

ZBA Decision (attach decision form) _____ Date _____

APA referral Date _____

APA determination received _____

Board's Check List:

- 1) Zoning Compliance Certificate Denial (if applicable) _____
- 2) Application _____
- 3) Plot Plan _____
- 4) Authorization Form (if applicable) _____
- 5) Deed(s) or other proof of ownership _____
- 6) Environmental Assessment Form (if applicable) _____
- 7) Payment _____
- 8) Batter Stakes (if applicable) _____
- 9) Additional Documents (if applicable) _____

AUTHORITY TO ACT AS AGENT FOR PROPERTY OWNER

I, _____, the owner of record of the
property described in this application hereby empower, _____ to
act as my agent and representative in conducting presentations to the necessary board(s) and in
deliberations with the board(s) and any necessary permit(s) pertaining to my application(s).

As my agent, he/she is empowered to act on my behalf in full. In so doing I, the owner applicant,
understand that I am bound by any conditions imposed on my project and agreed to by my agent or by
conditions or restrictions imposed by my agent as part of the presentation.

Signature of Owner

Date

Town of Horicon

Fee Schedule

Effective: December 21, 2018

PO Box 90 6604 State Route 8

Brant Lake, NY 12815

Phone: (518) 494-4245

Fax: (518) 494-5240

Email: zoningplanning@horiconny.gov

Website: horiconny.gov

*All Fees may or may not be included on this schedule
and are all subject to change without notification.
Make checks payable to: TOWN OF HORICON*

If a Warren County Building Permit is not required for your project, a Town of Horicon Land Use Permit (Zoning Compliance Certificate) may be required for Intensity Regulations. Re: Setbacks, minimum lot size and frontages. You may also need to obtain permits from other Agencies APA, DEC, etc.

Contact Town of Horicon Zoning Administrator with any and all questions.

Structure(s): Up to 600 Square Feet - \$36.00

Over 600 Square Feet - \$36.00 PLUS \$6.00 per 100 Square feet or portion thereof above 600 Square feet not to exceed \$500.00. - Including, but not limited to: Homes (including Modular and Mobile), Additions, Dormers, Commercial Building, Garages, Barns, Pole Barns, Sheds, Decks, Porches (covered, enclosed, screened, etc.), Carports, Boathouses, Ground Mounted Solar Panels, etc. **(A WARREN COUNTY BUILDING PERMIT MUST ALSO BE OBTAINED)**

After the fact Zoning Compliance Certificate surcharge: \$150.00 (in addition to regular fee).

Dock: \$50.00 - See Section 8.08 of Zoning Law for Dock Regulations.

Sign, Fence, Roof Mounted Solar Panels, Swimming Pool (including required fence): \$15.00

Septic Permit: \$80.00 - Installation or Major Repair

ZA Site Review: \$35.00 (First visit free)

Boundary Line Adjustment, Conditional Use (Site Plan): \$100.00 (Planning Board)

Variance (Area or Use): \$100.00 (A ZCC must be applied for and denied) (Zoning Board of Appeals)

After the fact Variance surcharge: \$100.00 (in addition to regular fee).

Subdivisions:

Total number of parcels being created including remaining parcel, open space, roads, etc.:

Pre-Application for Minor or Major Subdivision: No fee

Preliminary Application for Major Subdivision: \$100.00

To be deducted from total fee if/when a Major Final Subdivision application is submitted.

Minor Final Plat: 2 - 4 Lots: 2 lots = \$100.00 3 lots = \$150.00 4 lots = \$200.00

Major Final Plat: 5 - 20 Lots: \$250.00 initial fee + \$25.00 Per Subdivision Lot being proposed

5 lots = \$375.00 6 lots = \$400.00 7 lots = \$425.00 8 lots = \$450.00 9 lots = \$475.00 10 lots = \$500.00

11 lots = \$525.00 12 lots = \$550.00 13 lots = \$575.00 14 lots = \$600.00 15 lots = \$625.00 16 lots = \$650.00

17 lots = \$675.00 18 lots = \$700.00 19 lots = \$725.00 20 lots = \$750.00

21 + Lots: \$500.00 initial fee + \$25.00 Per Subdivision Lot being proposed.

21 lots = \$1,025.00 22 lots = \$1,050.00 etc.

ARTICLE 6 -- INTENSITY AND DIMENSIONAL REQUIREMENTS

Section 6.10 - Schedule of Intensity and Dimensional Requirements.

The following intensity and dimensional requirements apply to all projects within the Town of Horicon except as authorized in Section 11 of the Subdivision Regulations (cluster development provision), and except those projects in the Industrial District, where no intensity is prescribed. See Schedule of Intensity and Dimensional Requirements below.

SCHEDULE OF INTENSITY & DIMENSIONAL REQUIREMENTS							
-- Minimum Requirements --							
District Symbol	Intensity: Lot size per Principal Building	Road Frontage	Structure Setbacks				Shoreline Lot Width
			Front Yard (measured from the centerline of the road)	Side Yard	Rear Yard	Shoreline from MHW	
R1-20,000 CR-20,000	20,000 square feet	100 feet	50 feet	10 feet	20 feet	50 feet	50 feet
R1-1.3	1.3 acres	100 feet	60 feet	15 feet	50 feet	50 feet	100 feet
R1-2 R2-2	2 acres	200 feet	60 feet	15 feet	50 feet	75 feet	100 feet
R1A-3.2 R2-3.2 RRD-3.2 CR-3.2	3.2 acres	250 feet	60 feet	15 feet	50 feet	75 feet 150 feet in RRD	125 feet
R1A-5 R2-5 RRD-5	5 acres	300 feet	60 feet	15 feet	50 feet	75 feet 150 feet in RRD	125 feet
R1-10 R2-10 RRD-10 LC-10	10 acres	400 feet	60 feet	15 feet	50 feet	100 feet 150 feet in RRD	125 feet
LC-42	42 acres	500 feet	60 feet	15 feet	50 feet	100 feet	200 feet
I - Industrial	<u>none prescribed</u>						
All subdivisions shall be in accordance with both the minimum lot size and intensity requirements.							
Lots that include shoreline shall be subject to the additional restrictions in Article 9							
Maximum Lot Coverage - see Section 6.30				Minimum Road Frontage - see Section 6.50			
Maximum Structure Height - see Section 6.40							

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.

Part 1 - Project and Sponsor Information			
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"/>
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:			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, 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?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <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 <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) 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 site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
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: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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 <input type="checkbox"/>	YES <input type="checkbox"/>	
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: _____	<input type="checkbox"/>	<input type="checkbox"/>	
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 <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
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	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
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	<input type="checkbox"/>	<input type="checkbox"/>	

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
_____	<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"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	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?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

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)

PRINT