

**Town of Minden
Zoning Board of Appeals**

Application to Board of Appeals

A completed Application must be filed with the Town Clerk at least ten (10) days prior to the meeting at which it is to be considered by the Zoning Board of Appeals.

Applicant: _____	Property Owner: _____ (if different)
Address: _____	Address: _____
Phone: () _____	Phone: () _____
Professional Advisor: _____	Other : _____ (if appropriate)
Address: _____	Address: _____
Phone: () _____	Phone: () _____

1) Property Location

Address: _____

General Location: _____

Zoning District: _____

Tax Parcel ID # (SBL) _____

2) Type of Application (please check appropriate box(s):

- ? Interpretation of the Zoning Ordinance and/or map
- ? Area Variance
- ? Use Variance
- ? Other _____

Application #ZBA: _____

Date: _____

3) For variances and interpretations, indicate the articles(s), section(s), subsection(s) and paragraph(s) of the Zoning Ordinance that apply (by number):

article - _____

section - _____

subsection- _____

paragraph - _____

4) If previous applications have been made with respect to this property, indicate the Application(s) or Appeal Number(s) and Date(s) below:

_____ date _____

_____ date _____

5) Indicate the reason for the filing of this application. Complete only the relevant blanks below (attach extra sheets, if necessary):

A. Interpretation: _____

B. Area Variance: _____

C. Use Variance: _____

G. Other _____

6) If application is for a use variance applicant must demonstrate unnecessary hardship in accordance with the requirements of Section 90-62, paragraph D of the Town of Minden Zoning Law. Attach extra sheets if necessary.

Application #ZBA: _____
Date: _____

- 7) **If the application is for a use variance and the property in question is a farm operation within a NYS Agricultural District or with boundaries within 500 feet of a farm operation within a NYS Agricultural District, the applicant must complete and submit (with this application) an Agricultural Data Statement . See attached Appendix A.**

- 8) **If applicable, a completed part 1 of an Environmental Assessment Form for conformance with the New York State Environmental Quality Review Act (SEQR), 6 NYCRR 617. See attached Appendix B.**

- 9) **Applicant must fill out sketch plan sheet attached.**

- 10) **Applicant shall notify by certified mail, return receipt required, all landowners within 500 feet of the applicants parcel.**

State of New York
County of Montgomery

Sworn to this _____ day of _____, year of _____.

Signature of Applicant

State of New York
County of Montgomery

Sworn to this _____ day of _____, year of _____.

Signature of Property Owner

Application #ZBA: _____
Date: _____

For Office Use Only

Applicant#: _____

Other fees: _____

Application Fee: \$ _____

Description: _____

(if applicable)

\$ _____

\$ _____

Total Amount Received: \$ _____

Date Received: _____

Check # _____

Received by: _____

For Zoning Board of Appeals Use Only:

The Zoning Board of Appeals held a Public Hearing on _____(day) of _____ (date),
_____(year) in consideration of this application.

The Application is hereby:

?: approved

?: approved with modifications

?: disapproved

Modifications and comments: _____

Chairperson, Town of Minden
Zoning Board of Appeals

Date

For Office Use Only

**Town of Minden
Zoning Board of Appeals**

ZBA Approval Checklist

	Date Completed
<input type="checkbox"/> Zoning Board of Appeals Application is submitted to the Town Clerk ten (10) days prior to the Zoning Board of Appeals Regular scheduled meeting	_____
<input type="checkbox"/> Town Clerk notifies chairman of the Zoning Board of Appeals and mails out the ZBA Application and supporting Materials to each member	_____
<input type="checkbox"/> ZBA reviews application and if it is complete declares intent To be lead agency SEQR (if applicable); sets Public Hearing Date within 62 days and publishes in a newspaper of General circulation in the Town at least five days prior to Said hearing and notifies applicant	_____
<input type="checkbox"/> ZBA refers Use or Area Variance to the County Planning Board in accordance with General Municipal Law 239-m, If applicable	_____
<input type="checkbox"/> Hold Public Hearing	_____
<input type="checkbox"/> Zoning Board of Appeals completes SEQR process if Applicable	_____
<input type="checkbox"/> Zoning Board of Appeals shall decide upon the appeal Within 62 days after the conduct of said public hearing	_____
<input type="checkbox"/> Zoning Board of Appeals files all documents as necessary	_____

**PROCESSING AN AGRICULTURAL DATA STATEMENT
(Pursuant to Section 305-a of the Agriculture and Markets Law)**

- Any application requiring:
**Special use permit
Site plan approval
Use variance or
Subdivision approval**

- Which requires approval by:
**A Planning Board
Zoning Board of Appeals
Town Board or
Village Board of Trustees**

Must submit an Agricultural Data Statement (ADS) if the proposed project occurs on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district.

- Content of an Agricultural Data Statement requires:
 - Name and address of applicant,
 - Description of the proposed project and its locations,
 - Name and address of any owner of land within the agricultural district, which land contains farm operations and is located within 500 feet of the boundaries of the property upon which the project is proposed,
 - A tax map or other map showing the site of the proposed project relative to the location of the farm operations identified in the ADS

- The Clerk of the appropriate governmental entity is required to mail a written notice containing a description of the proposed project and its location to owners of land as identified by the applicant in the ADS.

- The local reviewing board must evaluate and consider the ADS to determine the possible impacts of the proposed project may have on the functioning of farm operations within the subject agricultural district.

Procedural Considerations

- A map of the town's agricultural district(s) should be well displayed within the municipal office where land use applications are submitted. The map will benefit both the applicant and municipal review officer in determining the location of the subject parcel. An Agricultural District Map^s can be obtained from either the County Planning Department or Clerk of the County Legislative Body.

Appendix A

- The local reviewing board should ascertain present and future farming conditions to ensure the proposed land use does not conflict with current or future farming activities. A farmer's knowledge of local agricultural conditions is fundamental for the local reviewing board's evaluation and determination of appropriate mitigation measures and whether the action proposed will conflict with farming practices.
- The County Agricultural and Farmland Protection Board may assist local reviewing boards in project evaluation. Members of the Board include the County Planning Directors, a County Cooperative Extension Agent and the Chair of the County Soil and Water Conservation District's Board of Directors.
- A copy of the completed ADS and action by the local reviewing board should be submitted for its records to: Montgomery County Agricultural and Farmland Protection Board, PO Box 1500, County Annex Building, Fonda, NY 12068.

¹ Tax map identification numbers of all parcels within a district are listed and are on file at either the County Real Property Tax Office or the County Clerk's Office.

MONTGOMERY COUNTY AGRICULTURAL DATA STATEMENT

Agricultural District Number: _____

Date Of Statement Completion: _____

Date of Referral to Montgomery County Planning Board: _____

Date of Submission to Ag & Farmland Protection Board: _____

Do Not Write Above This Line

APPLICANT: _____ APPLICANT'S AGENT: _____

ADDRESS: _____ ADDRESS: _____

PHONE NO.: _____ PHONE NO.: _____

LOCATION OF PROPOSED PROJECT:

TAX MAP NUMBER: _____

TOWN: _____ ROAD: _____

Description of Proposed Project: _____

List all farm operations which are within an Agricultural District and are located within 500 feet of the boundary of the property which proposes a project. ("FARM OPERATION" means the land used in agricultural production, farm buildings, equipment and farm residential buildings.)

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

Tax Map No. _____

Tax Map No. _____

NAME: _____

NAME: _____

ADDRESS: _____

ADDRESS: _____

Tax Map No. _____

Tax Map No. _____

SEQR
State Environmental Quality Review Act
6 NYCRR PART 617

The basic purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of state, regional and local government agencies at the earliest possible time. To accomplish this goal, SEQR requires that all agencies determine whether the actions they directly undertake, fund or approve may have a significant adverse impact, prepare or request an environmental impact statement.

With this in mind the Town of Minden recognizes its obligation to uphold the intent of the SEQR law. Most applications to the Zoning Board of Appeals are subject to SEQR as a matter of law. Along with the Town's responsibility an applicant also has responsibilities in completing the SEQR process. The depth of the review is based on the project as proposed by the applicant. The initial stage of the review is defined in 6 NYCRR PART 617, any action (project) on the TYPE 1 list must complete part one of a FULL EAF (attached), any action (project) on the TYPE 2 list is not subject to SEQR, and any action (project) not listed (UNLISTED) must complete part one of a Short EAF (attached). Please refer to these lists to see where your project is located or not located in the case of an unlisted action.

As the review is conducted by the Zoning Board of Appeals certain environmental impacts may be identified. If these impacts are significant the Zoning Board of Appeals will need to mitigate those through project change. This may be done through the preparation of an Environmental Impact Statement. The SEQR process must be completed prior to the issuance of a permit or approval.

Any cost incurred by the Town in completing the SEQR process is the responsibility of the applicant.