CITY OF HUDSON
ZONING BOARD OF APPEALS
INSTRUCTIONS

Application for Use Variance, Area Variance and Appeal the Written Determination of the Code Enforcement Officer.

1. One Original and Nine copies of full application and supporting documents to the Code Enforcement Office 429 Warren Street, Hudson, NY 12534 with $100.00 Application Fee. (Payable to City of Hudson)

2. The Code Enforcement Office will send application forms to the ZBA.

3. The ZBA will notify the applicant of date of hearing and publish same in newspaper.

4. The applicant will be advised in writing of the Board’s decision.

Check List:

a) Applications (10 Full)
   Decision of Code Enforcement Officer
   Site Plan
   Other supporting documentation
   SEQR Form

b) Application Fee

APPLICATIONS SHOULD BE FILED IN A TIMELY MANNER

The Zoning Board of Appeals may require additional information and/or elaboration with regard to the application.
APPLICATION TO THE CITY OF HUDSON, NEW YORK
ZONING BOARD OF APPEALS FOR
USE VARIANCE

Name of Applicant:______________________________

Mailing Address:________________________________

City State Zip____________________________________

Telephone #:____________________________________

Location of Property________________________________

Tax Map Number____________________________________

Zoning District_____________________________________

A. Article and Section Number of Zoning Ordinance being appealed:_________________________

(Attach Decision of Code Enforcement Officer)

B. Project Description. (Include such items as proposed use of site, hours of Operation, deliveries, parking, lighting etc. Attach additional sheets as needed)

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________
C. Justification of Variance. (Attach additional sheets as needed):

PLEASE NOTE: ALL FOUR CONDITIONS MUST BE MET.

(1) Applicant cannot realize a reasonable return for each and every permitted use under the zoning regulations for the particular district where the property is located demonstrated by financial evidence. The Applicant cannot realize a reasonable return because:

(2) The alleged hardship relating to the property is unique and does not apply to a Substantial portion of the district or neighborhood because:

(3) The request will not alter the essential character of the neighborhood because:

(4) The alleged hardship has not been self created because:
D. **County Referrals.** General Municipal Law Section 239-m requires certain zoning actions be referred to the County Planning Board before any action is taken. (The Hudson Zoning Board of Appeals by Resolution dated July 8, 1992 and in agreement with the County Planning Board have exempted certain actions that would not be subject to referral.)

(1) Is the property for which the variance is requested within 500 feet of any of the following?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>If yes, please describe</th>
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<tr>
<td></td>
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<td>Boundary Line of the City of Hudson</td>
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<td>Boundary of any existing or proposed County or State Park or recreation area</td>
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<td>Right of Way of any existing or proposed County or State Parkway, Thruway, Expressway, road, or highway</td>
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<td>Any existing or proposed right of way of any stream or drainage channel owned by the County</td>
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<td>The existing or proposed boundary of any County or state land on which public building or institution is situated.</td>
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This is the MINIMUM that is necessary and adequate, and at the same time preserves and protects the character of the neighborhood and the health, safety, and welfare of the community.

Signature of Appellant or Authorized Agent
(Agent must submit Authorization from Owner)

Sworn to me this ______ day of ________, 200_.

Notary Public
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

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
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<tr>
<td>Project Location (describe, and attach a location map):</td>
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<td>Brief Description of Proposed Action:</td>
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<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Telephone:</th>
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<tbody>
<tr>
<td>Address:</td>
<td>E-Mail:</td>
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<tr>
<th>City/PO:</th>
<th>State:</th>
<th>Zip Code:</th>
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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.

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:

3a. Total acreage of the site of the proposed action?  
    b. Total acreage to be physically disturbed?  
    c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?

4. Check all land uses that occur on, adjoining and near the proposed action.
   - [ ] Urban  
   - [ ] Rural (non-agriculture)  
   - [ ] Industrial  
   - [ ] Commercial  
   - [ ] Residential (suburban)  
   - [ ] Forest  
   - [ ] Agriculture  
   - [ ] Aquatic  
   - [ ] Other (specify): ____________________________  
   - [ ] Parkland
5. Is the proposed action,
   a. A permitted use under the zoning regulations?
      [ ] NO  [ ] YES  [ ] N/A

   b. Consistent with the adopted comprehensive plan?
      [ ] NO  [ ] YES  [ ] N/A

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?
   [ ] NO  [ ] YES  [ ] N/A

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?
   If Yes, identify: ____________________________
   [ ] NO  [ ] YES  [ ] N/A

8. a. Will the proposed action result in a substantial increase in traffic above present levels?
       [ ] NO  [ ] YES  [ ] N/A

   b. Are public transportation service(s) available at or near the site of the proposed action?
      [ ] NO  [ ] YES  [ ] N/A

   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?
      [ ] NO  [ ] YES  [ ] N/A

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  [ ] YES  [ ] N/A

10. Will the proposed action connect to an existing public/private water supply?
    If No, describe method for providing potable water:
    _________________________________________________________
       [ ] NO  [ ] YES  [ ] N/A

11. Will the proposed action connect to existing wastewater utilities?
    If No, describe method for providing wastewater treatment:
    _________________________________________________________
       [ ] NO  [ ] YES  [ ] N/A

12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?
    [ ] NO  [ ] YES  [ ] N/A

   b. Is the proposed action located in an archaeological sensitive area?
      [ ] NO  [ ] YES  [ ] N/A

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  [ ] N/A

   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:
      _________________________________________________________
      [ ] NO  [ ] YES  [ ] N/A

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
    [ ] Shoreline  [ ] Forest  [ ] Agricultural/grasslands  [ ] Early mid-successional
    [ ] Wetland  [ ] Urban  [ ] 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  [ ] N/A

16. Is the project site located in the 100 year flood plain?
   [ ] NO  [ ] YES  [ ] N/A

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?
       [ ] NO  [ ] YES

    b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
       If Yes, briefly describe:
       _________________________________________________________
       [ ] NO  [ ] YES
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: 

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: 

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: 

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?”

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<tr>
<th></th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
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<tbody>
<tr>
<td>1.</td>
<td>Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
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<td>2.</td>
<td>Will the proposed action result in a change in the use or intensity of use of land?</td>
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<td>3.</td>
<td>Will the proposed action impair the character or quality of the existing community?</td>
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<td>4.</td>
<td>Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
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<td>5.</td>
<td>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?</td>
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<tr>
<td>6.</td>
<td>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?</td>
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</table>
| 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)? |   |   |
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?

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11. Will the proposed action create a hazard to environmental resources or human health?

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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)