



# INFORMATIONAL BROCHURE

## ON THE TOWN OF WILLSBORO ZONING ORDINANCE

### VARIANCE PROCEDURE

*The purpose of the **Town of Willsboro Zoning Ordinance** is to establish comprehensive controls for the development of land in the Town of Willsboro, based on the Comprehensive Development Plan for the Town and enacted in order to promote and protect health, safety, comfort, convenience and the general welfare of the people.*

#### WHAT IS A VARIANCE?

The Zoning Ordinance was developed and adopted with the intent to address all development concerns that might arise. However, there may be a circumstance where the strict application of the Ordinance might present an undue difficulty for a property owner. Anyone who could be “aggrieved” by the decision or action of the code enforcement officer has standing to take an appeal before the Zoning Board of Appeals. The ZBA is obliged to follow the enabling legislation of Section 267 of NY State Town Law.

#### THE ZONING BOARD OF APPEALS

Our ZBA is comprised of five (and two alternates) citizen volunteers, and appointed by the Town Board. They are trained for their positions and given the authority to decide on these matters.

#### WHAT KIND OF VARIANCE DO I NEED?

For projects involving construction that will not meet the dimensional requirements; (i.e.: setbacks, size, area) an Area Variance will be required.

For projects seeking to establish a use; (i.e.: commercial, residential, or industrial activity) that is not allowable in a certain zoning district, a Use Variance will be required.

The Code Enforcement Officer will identify the type of Variance necessary after a review of your proposed project.

#### HOW MUCH WILL IT COST?

#### HOW LONG WILL IT TAKE?

There is a \$50.00 variance application fee. The ZBA generally meets on the 3<sup>rd</sup> Tuesday of each month at 7:00pm at the Town Hall. At the first meeting, the Board will listen to the appeal and begin to collect pertinent information about the case. At this point, the Board may ask for additional information. When everything about your project is well presented and understood, the Board will then schedule a public hearing for the following meeting. After proper notice in the Town newspaper of record, postings at the Town Hall, and a letter briefly describing your project is sent to all neighbors within

500’ of your project parcel, the public hearing will be held.

At the public hearing you will be able to talk with the Board and your neighbors about any concerns. After the hearing is closed, the Board may immediately confer and decide on your project. The ZBA has 60-days from the final hearing to make their decision. If your project is **not** in the hamlet area of the community, then the entire case must be reviewed by the Adirondack Park Agency. They have 30-days to make their decision. So, the process will take at least 2 1/2-3 months to complete.

#### WHAT HAPPENS AFTER THE DECISION OF THE BOARD?

If the Board approves your project, you have six-months to obtain a building permit from the Code Officer. If there are any changes to the approved variance with conditions then the ZBA may require an additional review.

If the Board tables your application, you may submit additional information for consideration of the Board.

If the Board denies your project, a permit cannot be issued and you may not resubmit a substantially similar application for a period of one-year.

If there are any substantial changes in your plans before obtaining your building permit, then the ZBA reserves the right to re-open your case

#### DO I NEED AN ATTORNEY FOR THIS?

No. However, where the details of a project are complex and involved, it may be beneficial to seek professional advice.

#### CAN THE TOWN HELP ME GET MY VARIANCE?

No. Town Staff can only assist you with the requirements of the Ordinance, and help to identify any potential areas of concern to the ZBA. We cannot represent your application for you before the Board.

(SEE OTHER SIDE)

## VARIANCE APPLICATION REVIEW PROCESS

During your project review meeting with the Code Enforcement Officer, it will be determined at that time that your project is in compliance with the Willsboro Zoning Ordinance, or that an area or use variance is necessary. If your project cannot comply and you would like to apply for a variance from the Ordinance, then your application and required fee must be submitted to the Zoning Board of Appeals before or on the Wednesday prior to the 3<sup>rd</sup> Tuesday of the month.

Documents required with your application:

- \_\_\_ a detailed project description
- \_\_\_ a copy of your deed for the project area and deed(s) for your property contiguous to project.
- \_\_\_ a copy of the Essex Co. Real Property data card
- \_\_\_ a copy of any other variance records on the property
- \_\_\_ a plot plan of your property showing the locations of any existing buildings, their dimensions and setbacks, and other important land features, drawn to scale, and noting North.
- \_\_\_ any future building plans with dimensions and their locations on the project site
- \_\_\_ other pertinent information (i.e.: photos, restrictive covenants, septic system report, land survey, elevation views, storm water management plan, soil & erosion control plan, and/or a parking/lighting/utilities plan.)

### PLEASE HELP PROTECT OUR WATER QUALITY

Be sure to inquire and understand the Town of Willsboro/Adirondack Park Agency restrictions that apply to cutting trees and vegetation along shorelines. For example: Generally, there are no requirements for the harvesting of trees on non-shoreline parcels unless you plan to clear-cut more than 25 upland acres or 3 wetland acres, or the property is located in a Designated River Area. *However*, cutting of trees in preparation for a project requiring a permit may not begin until the permit is obtained; tree removal is part of the project review process. In addition, there are permit requirements for the construction of woods roads or skid trails through wetlands. Along shorelines, cutting is limited to the following: Within 6 feet of shore, not more than 30 percent of the shoreline may be cleared of vegetation (brushes and trees) on any one lot. Within 35 feet of shore, not more than 30 percent of trees in excess of 6 inches in diameter at 4.5 feet above the ground may be cut over a 10-year period.

Other guidelines are in the NYS Department of Conservation standards and specifications for erosion & sediment control, and our guide on stormwater management for small projects. Property owners should take proactive steps to ensure that all contractors, builders, landscapers, etc. are aware of these guidelines and regulations.

### NOTES:

#### TOWN OF WILLSBORO CODE ENFORCEMENT OFFICE

PO BOX 370, 5 FARRELL RD.  
WILLSBORO, NY 12996

PHONE:(518)963-7411

FAX: (518)963-7488

E-MAIL: codes@willsborony.com