

Wavier Application and Requirements for an Accessory Apartment

1. Cut off dates for all applications to be submitted to the Public Works Department per the attached schedule which indicates filing and meeting dates for the Board meetings. All meetings start at 7:00 PM. The Webster Town Planning Board, at its discretion, reserves the right not to hear new applications after 10:30 PM on any regularly scheduled meeting day. The hearings will be held on the next regularly scheduled Public Hearing.
2. Applicants shall submit a complete application consisting of: 12 copies of letter of intent, 12 copies of the application to appeal form, Schedule #2, Notice and Disclosure Forms, 12 copies of the Short Environmental Assessment Form, 12 copies of plans, and fees of \$85.00 on or before the scheduled closing and/or cut off dates enclosed in this package. Building Permit and Monroe County Clerk's Office recording fee is separate. Any application received incomplete will not be scheduled to be heard by the Board and returned to the applicant. It will be the applicant's or agent's responsibility to submit a complete application for the hearing date requested.
3. The Accessory Apartment application is considered a public hearing. The applicant shall be responsible for notifying by first class mail all property owners of record within one hundred (100) feet of the outside perimeter or boundary line of the property involved in the preliminary application of the time, date, and place of such public hearing by mail at least ten (10) days prior to such hearing. An example of such notice is enclosed with this package. Please submit affidavit notarized or the notarization maybe provided to you in the Public Works Department, along with a copy of the list of property owners, and the notice sent out to the property owners. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property records of the Town Assessor's Office.
4. At least seven (7) days prior to such public hearing, the applicant shall file with the Public Works Department his/her affidavit of mailing such notices. Failure to receive such notice shall not be deemed a jurisdictional defect of the Planning Board.
5. All submitted plans must be in sets folded to 9" x 14 1/2" maximum size or they will not be accepted.
6. Applicants or their representatives must appear at the hearings. All withdrawals must be made in writing and fees are not refundable once public hearing notice has been advertised.
7. Regulations for Town Code 225-49.1 Accessory Apartments are enclosed in this package.

Feel free to call the Public Works Department with any questions at 872-7025.

APPLICATION TO APPEAL
WEBSTER TOWN PLANNING BOARD

APPLICANT REQUESTS PERMISSION TO APPEAL THE ABOVE DENIAL AND FOR REFERRAL OF THE MATTER TO THE WEBSTER TOWN PLANNING BOARD FOR A HEARING AND SUBMITS THE FOLLOWING INFORMATION:

1. Relief requested:

a. Request a permit, license or approval to:

1. Describe what you want to do: _____

2. Please complete the appropriate applicant's statement:
Schedule 2 - Area Variance on next page

3. When do you intend to start project? _____

4. What is your estimated time of completion? _____

5. Address of property involved in this application _____

6. Who is going to do work? (circle one)

Owner

Subdivider

Contractor

Subcontractor

7. Submit construction plan showing where appropriate, size, type of materials to be used, colors, lighting, landscaping, location of driveways and septic approval where appropriate. (If County or State highway, provide written approval from those agencies.)

8. Estimated cost _____

9. Indicate previous variances, permits, licenses, approvals or disapprovals, to include dated made on the above request and/or described property.

10 Where application is for new or additional structure, applicant shall provide an instrument survey map (12 copies) indicating thereon property lines, existing buildings, proposed additions, all setbacks both existing and proposed construction, and nearest adjoining structure.

2. If request is disapproved by the Webster Town Planning Board, state hereon any hardships or difficulties that will result due to such action.

3. List any other pertinent information not listed above.

4. The applicant may offer a petition of consent signed by immediate property owners.

5. Applicant will be notified of time and date of hearing of petition.

6. Applicant and/or designated agent must be present at time of hearing.

7. Any violation of Board approval, restrictions, specifications, or stipulations may result in revocation of approval, permit, license or variance granted.

8. Accompanying application fee based on the following fee schedule:

EAF Review	\$10.00
Advertising	\$50.00
Review	\$25.00
Total Fee	\$85.00

9. Completion of applicant's statement.

Owner's Affidavit

I, _____ do hereby certify that I am an owner of contract purchaser of property involved in this request and that the foregoing statements and answers contained herein and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief if application is granted all actions shall be in accordance with the terms of approval.

Signed

Mailing Address

Telephone Number

Dated: _____

Schedule #2

Tax Account # _____ Date: _____

Property/Project: _____
Owner/Applicant _____

**APPLICANT'S STATEMENT OF WHY DIMENSIONAL REQUIREMENTS OF THE
ZONING CODE CANNOT BE REASONABLY
MET FOR WAIVER APPLICATION**

Applicant is to explain how the request conforms to each of the following requirements:

A. An undesirable change will not be produced in the character of the neighborhood and no detriment will be created to nearby properties if the area variance is created because: (Code 225-108-D-(2)(b)[1][a])

B. The benefit sought by the applicant cannot be achieved by some other feasible method other than an area variance because: (Code 225-108-D(2)(b)[1][b])

C. The requested area variance is not substantial because: (Code 225-108-D-(2)(b)[1][c])

D. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because: (Code 225-108-D(2)(b)[1][d])

E. The alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance: (Code 225-108-D-(2)(b)[1][e])

NOTICE

Town of Webster Planning Board

Rules and Regulations

1. The Webster Town Planning Board meets on the 1st and 3rd Tuesdays of each month with the meetings starting at 7:00 PM.
2. The Webster Town Planning Board, at its discretion, reserves the right not to hear new applications after 10:30 PM on any regularly scheduled meeting day. The hearings will be held on the next regularly scheduled Public Hearing.
3. A condition will be placed on each granted wavier that if meaningful construction, as determined by the Webster Town Planning Board, has not commenced within one year of this approval, the wavier is rescinded.
4. Hearings:

The Building Department's policy is to hold all applications on the Town of Webster's Planning Board agenda within 30 days of receipt. The 30 day policy allows sufficient time for the Department of Environmental Conservation, Monroe County Department of Planning, Irondequoit Bay Coordinating Committee and any other federal, state or local agency to comment on your application as required by federal, state or local law.

At the time of the hearing of any application, if the appropriate response to referrals has not been received, the application may be tabled to the next meeting of the Webster Town Planning Board.

I have received the above Rules and Regulations and have them in their entirety.

Applicant's Signature

**DISCLOSURE PURSUANT TO
SECTION 225-111**

OF THE WEBSTER ZONING ORDINANCE

TO WHOM IT MAY CONCERN:

No officer or employee of the State of New York, County of Monroe or Town of Webster has any financial interest in the land affected by or in the person, partnership, association or corporation making application for the project known as

_____.

DATED: _____

BY: _____
Authorized Representative

AFFIDAVIT FOR PROOF OF MAILING

_____, 20____

To Whom It May Concern:

Please find enclosed a list of mailing notices that were sent out to property owners that live within one hundred (100) feet of the outside perimeter or boundary line of the property involved in the wavier application for the _____ project.

This affidavit hereby shows that these mailing notices were sent out by first class mail at least ten (10) days prior to the wavier hearing and that this affidavit was received seven (7) days prior to the said Planning Board meeting.

Sincerely,

Name _____
Address _____
Phone # _____

Sworn to me this _____ day of _____ 20_____.

Notary Public

Dear Neighbor:

Please let this letter serve as a notice that the following wavier application is scheduled for a Public Hearing before the Town of Webster Planning Board on:

DATE: _____

PLACE: Webster Town Hall, 1000 Ridge Road, Webster, NY

TIME: _____

Description of wavier requested: _____

Comments and concerns will be welcome in writing or in person at the time of the hearing.

Sincerely,

Applicant _____

Address _____

§ 225-49.1. Accessory apartments. [Added 2-2-1995]

- A. Intent and purpose. It is the specific purpose and intent of this section to permit accessory apartments in single-family detached dwellings in single-family residential districts in the Town of Webster in order to meet the diverse housing needs of persons living in the Town of Webster. It is a further purpose of this section to allow the more efficient use of the Town's existing housing stock. It is also the intent of these provisions to assure that the single-family detached dwelling character of the property will be maintained and the accessory apartment remains subordinate to the primary residence.
- B. Eligibility. Accessory apartments may be located in single-family detached dwellings located on properties in R-1 Single-Family Residential Districts, R-2 Single-Family Residential Districts, R-3 Single-Family Residential Districts and LL Large-Lot Single-Family Residential Districts.
- C. Standards.
- (1) Location of unit.
 - (a) Any accessory apartment must be located in the principal dwelling unit on the premises. No accessory apartment shall be located in a detached accessory building or structure, except as follows:
 - (b) Where the lot area is at least twice the required minimum lot area for the district in which it is located, an accessory apartment may also be established, as described above, in a barn, garage or other detached building on a residential property.
 - (2) Number of units. There shall be no more than one accessory apartment permitted for each building lot.
 - (3) Size. The accessory apartment shall be limited to a maximum of 35% of the gross floor area of the principal dwelling, excluding the floor area of the accessory apartment, or 750 square feet, whichever is less, if located in the same building as the principal dwelling; and 35% of the total floor area of the detached building, excluding the floor area of the accessory apartment or 500 square feet, whichever is less, if located in a detached building.
 - (4) Occupancy. The principal dwelling unit in which an accessory apartment is located must be occupied by one or more of the owners of record of property on which the principal dwelling unit is located.
 - (5) Construction standards. The principal structure and the accessory apartment shall comply with the New York State Uniform Building and Construction Code requirements.
 - (6) Utility service. The principal dwelling unit and the accessory apartment shall have only one service and one meter for each utility servicing the property. There shall be only one sanitary sewer service, one water line service, one electricity service and one natural gas service.
 - (7) Special benefit charges. All special benefits district or improvement district charges assessed and levied shall be levied on the basis that the property is a single-family residential property.
 - (8) Exterior. The structure in which the principle dwelling unit and accessory apartment is located shall maintain the appearance of a single-family detached dwelling.
 - (9) Interior access. When located in the principal dwelling, there must be at least one unobstructed passageway between the principal dwelling unit and the accessory apartment.

- (10) Access to structure. Separate exterior access to the accessory apartment is permitted; however, no separate exterior access to the accessory apartment shall be located at the front of the structure.
- (11) Access to parcel. Access to the parcel shall be limited to one point of ingress and egress or curb cut at the parcel's right-of-way lines regardless of the number of right-of-way lines of the parcel.
- (12) Recorded restrictions. Prior to issuance of a certificate of occupancy, the property owner(s) shall deliver to the Town building official an agreement, in form and substance acceptable to the Town and suitable for recording in the Monroe County Clerk's Office, acknowledging the property's eligibility and the applicable standards for the property's accessory apartment.

D. Permits and certificates of occupancy.

- (1) Building permits and certificates of occupancy for accessory apartments in compliance with Chapter 86, Article II, of the Code of the Town of Webster shall be required and issued.
- (2) All accessory apartments in existence prior to the effective date of this section shall obtain a certificate of occupancy within one year after the effective date of this section, provided that the accessory apartment complies with the provisions of Subsection C above.

E. Variances; waivers. The Planning Board may waive, subject to appropriate conditions, the requirements of this section relative to the size, utility service, exterior design and/or access of the accessory apartment. The Planning Board may grant such waivers in special circumstances where it determines that these requirements are not necessary to protect the interest of public health, safety and general welfare of the Town and is constructed in such a manner that it maintains the character and scale of the adjoining residences and blends into the existing neighborhood. Notwithstanding the foregoing, any application for waivers requested for accessory apartments that exist under Subsection D(2) shall be made to the Town Board.

F. Effective date. This section shall take effect as provided by law.

Short Environmental Assessment Form

Part 1 - Project Information

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	YES
			<input type="checkbox"/>	<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:			NO	YES
			<input type="checkbox"/>	<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				

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		