

TOWN OF WEBSTER
Board of Appeals Application Form
Home Occupation Special Permit

1. Application From:

Applicant shall complete and submit to the Engineering Department one completed application form which is provided by the Town. (An incomplete application will be returned, and will cause a delay in the applicant's attempt to obtain approval.)

2. Letter of intent:

A letter that clearly and concisely explains the business that you are proposing, the intensity and whether or not customers will or will not come to the home.

3. Plans:

The applicant shall submit 12 copies of the following:

- A copy of the survey of the property.
- A sketch of the floor plan of the house indicating the extent of the area to be used for the home occupation and the total square footage of the structure.
- Any signage proposed and its location
- Any other information that you wish to include.

4. Fees:

All fees are payable at the time of submission of the application. Failure to pay fees by the cutoff date for the applications will mean removal of the applicants from the scheduled hearings.

5. Letter of Release:

The applicant will submit with his application a letter from the owner of the property, if not the applicant, indicating his approval to seek a Special Use Permit on the property, or a copy of a properly executed purchase offer for the property.

6. Schedule of Submission:

The Webster Board of Appeals meets on the 2nd and 4th Tuesdays of each month. All meetings start at 7:00PM. The Board of Appeals, 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. Applications must be in on the cut off dates provided in the attached schedule.

7. Mailing By the Applicant:

The applicant shall be responsible for mailing a notification by first class mail to all property owners of record within 100 feet of the outside perimeter or boundary of the subject parcel involved in the variance. This notice will state the time, date, and location of the public hearing and will be mailed 10 days prior to the date of such hearing. 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 or at the property address.

8. Before the Hearing:

At least seven (7) days prior to such hearing the applicant shall file with the Zoning Board his/her affidavit of mailing such notices. Failure to receive such notice shall not be deemed a jurisdictional defect of the Zoning Board of Appeals

Any application not complying with the above minimum requirements will not be scheduled.

**TOWN OF WEBSTER
HOME OCCUPATION
APPLICATION**

Date: _____

To: Commissioner, Department of Public Works
Town of Webster
1000 Ridge Road
Webster, NY 14580

This application is for the approval of a Major Home Occupation in accordance with the Code of the Town of Webster §225-37.

Applicant: _____

Type of Business: _____

Location of Business: _____

Tax ID Number _____

I certify that the home occupation that I am proposing meets the following:

- (a) The property is in full compliance with the provisions of Webster Town Code Chapter 225, and;
- (b) Is incidental, secondary and/or subordinate to the use of the dwelling unit for residential purposes, and;
- (c) No other major home occupation is conducted on the premises, and;
- (d) Is carried on by a person residing in the dwelling unit as principal residence, and;
- (e) Has no more than one (1) employee, whether full-time or part-time and whether paid or unpaid, who is not a resident residing on the premises, and;
- (f) The floor area devoted or used for a home occupation shall be not more than twenty-five (25) percent of the ground area of the principal structure, excluding any accessory building or structure, or five hundred (500) square feet, whichever is less, and;
- (g) There shall be no exterior display or storage of goods, materials, equipment or inventory, and;
- (h) Except for one permitted identification or advertising sign not exceeding two (2) square feet in area and not more than five (5) feet above grade or ground level which otherwise is in full

compliance with the provision of Webster Town Code Chapter 178, there shall be no identification of the home occupation or advertising sign, and;

- (i) Generates no additional need for additional off-street parking, and;
- (j) Uses no equipment which would not customarily be used by the occupants of a dwelling unit, and;
- (k) The fire Marshal and Building Inspector certify that the structures and proposed use comply with the New York State Uniform Fire Prevention and Building Code as applicable to the Town of Webster [Code of the Town of Webster Chapter 124].

Applicant Signature: _____

Building Inspector: _____

Fire Marshal: _____

Approved/Disapproved

Geoff Benway, PE, Commissioner
Department of Public Works

DEFINITIONS

HOME OCCUPATION – An occupation, business or profession, which is carried on wholly within a dwelling unit or in a building or other structure accessory to a dwelling unit.

HOME OCCUPATION, MAJOR – Any home occupation which is not a minor home occupation.

HOME OCCUPATION, MINOR – Any home occupation which:

- A. Involves no persons other than persons residing on the premises;
- B. Shows no visible evidence from the exterior of the dwelling unit of the conduct of the occupation;
- C. Generates no additional traffic nor the need for off-street parking beyond the customary needs of the occupants of the dwelling unit;
- D. Uses no equipment which would not customarily be used by the occupants of a dwelling unit;
- E. Is not advertised by address; and
- F. Is conducted entirely inside of the principal dwelling unit or other structure on the premises.

**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 three hundred (300) feet of the outside perimeter or boundary line of the property involved in the variance 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 preliminary hearing and that this affidavit was received seven (7) days prior to 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 application is scheduled for a public Hearing before the Town of Webster Zoning Board of Appeals on:

DATE: _____

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

TIME: _____

Description of variance requested: _____

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

Sincerely,

Applicant _____

Address _____

§ 225-37. Home Occupation.

It is the intent of this Article to allow a variety of business pursuits as permitted uses in residential district while recognizing the substantial governmental goal of preserving and maintaining the residential atmosphere, appearance and character of residential districts. It must be recognized that, while business pursuits are allowed under the conditions provided for in this Article, that its primary purpose is to preserve and maintain the residential atmosphere, appearance and character of residential districts. It is the intent that the business be always second, subordinate and incidental to the principal residential use and that it will not harm other residential users of the property or premises. Under no circumstances should a business use become so extensive that it predominates the residential uses. It is the further intent of this Article to set forth general and specific performance standards and controls to limit home occupations. These standards and controls have as their purpose the minimization of adverse impacts a home occupation might have on a neighborhood or district and to assure that it does not become the predominant use of the property.

A. Permit Requirements:

- (1) No permit shall be required for a minor home occupation.
- (2) No person shall commence a major home occupation without first obtaining a permit from the Commissioner of Public Works. The applicant for a major home occupation permit shall meet the following standards and conditions:
 - (a) The property is in full compliance with the provisions of Webster Town Code Chapter 225, and;
 - (b) Is incidental, secondary and/or subordinate to the use of the dwelling unit for residential purposes, and;
 - (c) No other major home occupation is conducted on the premises, and;
 - (d) Is carried on by a person residing in the dwelling unit as principal residence, and;
 - (e) Has no more than one (1) employee, whether full-time or part-time and whether paid or unpaid, who is not a resident residing on the premises, and;
 - (f) The floor area devoted or used for a home occupation shall be not more than twenty-five (25) percent of the ground area of the principal structure, excluding any accessory building or structure, or five hundred (500) square feet, whichever is less, and;
 - (g) There shall be no exterior display or storage of goods, materials, equipment or inventory, and;
 - (h) Except for one permitted identification or advertising sign not exceeding two (2) square feet in area and not more than five (5) feet above grade or ground level which otherwise is in full compliance with the provision of Webster Town Code Chapter 178, there shall be no identification of the home occupation or advertising sign, and;

- (i) Generates no additional need for additional off-street parking, and;
- (j) Uses no equipment which would not customarily be used by the occupants of a dwelling unit, and;
- (k) The Fire Marshal and Building Inspection certify that the structures and proposed use comply with the New York State Uniform Fire Prevention and Building Code as applicable to the Town of Webster [Code of the Town of Webster Chapter 124].

B. Application – Each application for a major home occupation permit shall:

- (1) Be on a form provided by the Building and Zoning Office [approved by the Town Board], and;
- (2) Be accompanied by a complete plan, drawn to scale, showing the location of all buildings or structures on the premises and the area where the proposed home occupation will be carried out, and;
- (3) An application fee in the amount established by resolution of the Webster Town Board.

C. Revocation of Major Home Occupation Permit:

A major home occupation permit shall be deemed revoked upon the occurrence of any of the following events:

- (1) A subsequent permit is issued.
- (2) There is a substantial change in the nature of the occupation, business or profession carried out on the premises.
- (3) The home occupation is not commenced within six (6) months of issuance of a permit.
- (4) The home occupation ceases or is discontinued for a period of three (3) months for any reason.
- (5) The person carrying on the home occupation no longer resides on the premises.

D. Inspections.

The Fire Marshal and/or the Building Inspector of the Town of Webster shall conduct periodic inspection of all premises for which a major home occupation permit has been issued for compliance with the New York State Uniform Fire Prevention and Building Code, Code of the Town of Webster Chapter 124 and this Article. Such inspections shall be made at any reasonable time. An inspection shall be performed at any other time upon:

- (1) The request of the owner or authorized agent; or
- (2) Receipt of a written statement specifying the grounds upon which the subscriber believes a violation of the New York State Uniform Fire Prevention and Building Code, Code of the Town of Webster Chapter 124 and this Article; or

- (3) Other reasonable and reliable information that such a violation exists.
- E. Notice of application. All applicants for special permits shall be required to post a Town-provided sign in a publicly conspicuous location on or in front of the front property line of the property affected. Said sign shall notify the public of a pending application and hearing and shall be posted not less than 10 days prior to and up to the date of the hearing. The Town shall advertise the application in the official newspaper of the Town, as required by § 274-b of the Town 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>	NO	YES
<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>	NO	YES
<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>	NO	YES
<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>		