

Village of East Rochester
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PROCEDURES FOR VARIANCES AND APPEALS

Application Process

The applicant may arrange an informal discussion with the Building Inspector / Code Enforcement Officer to determine any and all of the data to be included in the application.

The applicant must submit twelve (12) copies of the application to the Zoning / Architectural Board Clerk, at least thirty-five (35) days prior to the next regularly Scheduled ZONING BOARD OF APPEALS meeting.

The application must be accompanied by the required fee. The fee schedule, adopted by the Village Board, is posted at the Village office.

The Zoning / Architectural Board Clerk will forward a copy of the application to the Joint Planning and Architectural Review Board for a recommendation. This Board meets on the second Tuesday of each month and is required to return its recommendation before the Zoning Board of Appeals hearing.

The Building Inspector / Code Enforcement Officer must confirm that the application is complete before placing the variance request on the agenda for the next meeting of either the Zoning Board of Appeals or the Joint Planning and Architectural Review Board.

Public Hearing

A public hearing is required by State and local law. The public hearing will be scheduled for the date of the Zoning Board of Appeal's next regular meeting. The Zoning Board of Appeals must publish a notice of such hearing in the official newspaper at least five (5) days prior to the date of the hearing. At the hearing, any party may appear in person, or by agent or attorney.

Sign on Property

The applicant shall place a sign on the property for which an appeal or variance is requested, not less than five (5) days prior to the date of the public hearing. Signs for this purpose are available from the Building Inspector / Code Enforcement Officer. The sign shall be placed in a location which is easily read from a public street. The sign shall state that a public hearing has been scheduled regarding the subject property, and shall include a telephone number to call for more specific information.

Referral to the County Planning Board

Referral to the Monroe County Department of Planning and Development (MCDP&D) may be required if the proposed variance would affect property within five hundred (500) feet of:

- A town or village boundary
- A state or county highway
- A state or county land upon which a state or county institution is located

Several types of variances are exempted from referral pursuant to an agreement between the Town / Village of East Rochester and the MCDP&D (See County Referral Procedures Guide.)

If County referral is required, the Zoning / Architectural Board Clerk shall send a copy of the application to the County Planning Department for referral pursuant to Section 239 L and M of NYS General Municipal Law. Referrals should be sent as soon as possible, but no later than thirty (30) days before the Board anticipates a final vote on the matter.

If the County Planning Department recommends disapproval or modification of the variance or appeal, approval will require four votes of the Zoning Board of Appeals in favor of granting the variance.

SEQR Review

The Building Inspector / Code Enforcement Officer shall classify the requested variance pursuant to the State Environmental Quality Review Act (SEQR). Certain types of variances are exempt from SEQR review, including setback and lot line variances and area variances for 1, 2, and 3-family residences. If the variance is not exempt, the applicant shall complete the appropriate Environmental Assessment Form (EAF). If SEQR review is required, the ZONING BOARD OF APPEALS will issue its determination of significance, based on the information in the EAF, before making its final decision on the application.

Time of Decision

The Zoning Board of Appeals, providing SEQR has been compiled with, shall decide upon the variance or appeal within sixty-two (62) days after the public hearing. This time period may be extended by mutual consent of the applicant and the Board.

Filing of Decision and Notice

The decision of the Zoning Board of Appeals on the appeal or variance shall be filed in the Office of the Village Clerk within five (5) business days after the day such decision is rendered. A copy of the decision will be mailed to the applicant.

Issuance of Zoning Permit

The Building Inspector / Code Enforcement Officer shall, upon receipt of the notice of approval and upon application by the applicant, issue the appropriate zoning permit or such other approval permitted by the variance, subject to all conditions imposed by the Zoning Board of Appeals.