

**Town of Galway**  
Saratoga County  
**Office of Code Enforcement Officer**

5910 Sacandaga Rd  
Galway, New York 12074  
Tele.- 518-882-6070

**GUIDE FOR ZONING BOARD OF APPEALS APPLICANTS**

This guide is intended to provide brief instructions for filing an appeal application and preparing a case before the Zoning Board of Appeals (ZBA). It should not be considered as legal advice. No guarantee of success is implied if the guide is followed, nor is denial implied by not following the guide. In all cases, the applicant should consult and review the current zoning regulations of the town of Galway (a copy of which is available on line or may be purchased from the town clerk during normal business hours).

**ZONING BOARD OF APPEALS**

A zoning law is a community's guide to its future development. That is its purpose. The very protections afforded residents and property owners within the community from undesirable development come from the restrictiveness of zoning. Zoning is characterized by preset regulations set in Galway's zoning ordinances and applicable uniformly within each zoning district. A landowner can look at the zoning map and ordinance restrictions and know that if he/she follows them, he/she has the right to use the land in a certain way and that neighboring properties are subject to the same restrictions. But, because all land in districts is subject to the same rules and because no two parcels of land are precisely the same, problems can arise. The purpose of the Zoning Board of Appeals is to relieve the pressure of too rigid enforcement of the zoning ordinance and any attendant hardship. The ZBA serves as a buffer between the property owner and the court designed to interpret, to perfect, and to ensure the validity of zoning.

Any person who stands to be "aggrieved" (i.e., injured or harmed) by the decision of the code enforcement officer may apply to the ZBA for relief. Commonly, the "aggrieved" party is the property owner who has been refused a permit, but an aggrieved party may also be a neighboring landowner who believes the officer's decision in issuing a permit was improper and will injure him/her. Also, anyone who has received an enforcement action (such as a cease-and-desist order) is eligible to take an appeal to the ZBA.

**Relief Granted by the Zoning Board of Appeals**

ZBA may affirm, modify or reverse the decision of the code enforcement officer. *Second*, the ZBA may grant or deny a variance. Because of this range of powers that the board has, it is essential that the applicant or duly authorized representative know what type of relief to request when making an application to the board.

If the applicant (either the landowner or a third party) believes the officer's decision was incorrect, the appropriate request is for an ***Interpretation of Zoning Regulations or Zoning Map***.

"An ***area variance*** shall mean the authorization by the Zoning Board of Appeals for the use of the land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations". When granting an *area variance*, the ZBA shall take into consideration "the benefit of the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such a grant". Requirements for proof are detailed below.

If the applicant wishes to use the land for other than a use allowable by the zoning regulations and believes he/she can show "unnecessary hardship", then the appropriate request is for a ***use variance***. A *use variance* may only be granted by the ZBA if the zoning has caused "unnecessary hardship". Requirements are detailed below.

**It is also possible for an applicant to make a request for a reversal and in the same application ask for a variance if the reversal is not granted.**

To be an applicant before the Zoning Board of Appeals, one must be the property owner or duly authorized representative of the owner and have received a formal decision or action by the code enforcement officer.

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(A duly authorized representative should be aware of the procedure involved in applying for and receiving a determination.) In each case, proof must be presented under the applicable legal standards that is sufficient to allow the board to grant relief.

**APPLICATION PROCEDURE/CONTENTS**

Each applicant must submit a completed application to the zoning/code enforcement officer by the *first of the month* to be heard at the *following month's regularly scheduled meeting*. (E.g., an application received on January 1 would be scheduled for the February meeting.) The ZBA meets the first Tuesday of each month.

**A completed application includes:**

- 1) A signed and dated application form - Parts I, II and III completed (attached)
- 2) A State Environmental Quality Review Act (SEQRA) Short Form (attached or available at [www.dec.ny.gov/permits/6191.html](http://www.dec.ny.gov/permits/6191.html)) - Part I only, completed, signed and dated
- 3) Eight (8) copies of a surveyed plot plan including, at a minimum, the following:
  - A. All structures, existing and proposed, including specific dimensions (sizes) and location(s) on the lot
  - B. Precise/accurate boundary lines and measured dimensions (distances) from all structures to all property lines
  - C. Location of water/well and septic facilities, proposed and existing, with separation distances between well and septic facilities on subject parcel, as well as adjacent properties noted
  - D. Adjacent landowners (names)
  - E. Any natural or man-made features that may affect the property, such as, roads, driveways, drains, ponds, or easements
- 4) A non-refundable application fee is to be paid to the Code Enforcement Officer at the time of application (please refer to current Fee Schedule).

In addition to these items, other information that the applicant would like to be considered may be submitted. This may include photographs, statements from adjacent neighbors, building plans, etc. All information should be submitted at the time of filing. It is the applicant's responsibility to be sure that the application is complete and filed with the zoning/code enforcement officer on time.

**APPEAL PROCESS**

Appeals to the Zoning Board of Appeals must be taken within sixty (60) days after the determination resulting in the appeal. Upon filing of a completed application, the clerk of the ZBA will notify the applicant of a public hearing date. At any time before or during the hearing, or after the hearing if a decision is postponed, the applicant may submit written evidence and/or argument supporting his/her case. Preferably, written material should be submitted with the application, or as soon thereafter as possible, so that it can be reviewed by the ZBA members prior to the hearing. Anyone else having an interest in the outcome of the case is also entitled, and in fact encouraged, to submit written evidence.

At the public hearing, the board will offer the applicant and/or duly authorized representative the opportunity to present his/her case for relief. The applicant may testify, call witnesses, or submit written evidence. Because an appeal is an adversarial proceeding, the board will offer the town an equal opportunity to present its side of the case. Each side will be able to question the other or the other's witnesses. In addition, board members may ask questions.

After the applicant and the town have presented their cases, any other interested persons will be given opportunity to speak and/or submit written material. If necessary, the hearing may be adjourned and continued at a later date. When all parties have been heard, the hearing will be closed. At this point, the board may discuss the case, reach a decision, or postpone a decision until a later meeting. If the board

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deems it necessary, the hearing may be reopened, either at the same session or at a later date. *Once the hearing is finally closed, the board must issue its decision within sixty-two (62) days.*

**BURDEN OF PROOF**

In judging an application for relief, the Zoning Board of Appeals is charged by statute and precedent with certain requirements. The applicant for relief should be prepared to make a case for relief under the rules established by the laws and courts of New York State.

**INTERPRETATION OF ZONING REGULATIONS OR ZONING MAP**

*If requesting a simple affirmation, modification or reversal to an enforcement decision, the applicant must prove that the code enforcement officer's decision was incorrect according to a proper interpretation of the town zoning regulations.*

**AREA VARIANCE**

*In making a determination in the case of a request for an area variance, the board shall consider:*

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to a nearby property will be created by granting the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;
3. Whether the area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

*The Zoning Board of Appeals may decide that a lesser variance than the one requested would be appropriate or may decide that there are other means available that would not require a variance.*

**USE VARIANCE**

*In order to "prove unnecessary hardship" the applicant shall demonstrate that:*

1. Under the applicable zoning regulations the applicant cannot realize a reasonable return provided that lack of return is substantial as demonstrated by competent financial evidence;
2. The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood;
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood;
4. That the alleged hardship has not been self created

It should be noted that **all four standards must be met**. Thus, there may be a finding that a reasonable return cannot be realized from the property because of the applicable zoning regulation, but the requested variance would alter the essential character of the neighborhood. In such a case, a use variance cannot be granted.

The courts have specifically defined what burdens of proof must be demonstrated by an applicant in order to show lack of reasonable return, unique circumstances, non-alteration of essential character, and self-created hardship.

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Reasonable Return

"The mere fact that the applicant may suffer a reduction in the value of property because of the zoning regulations or the fact that another permitted use may allow the sale of the property for a better price or permit a larger profit does not justify the granting of a variance on the grounds of unnecessary hardship".  
(GUIDE FOR ZBA APPLICANTS, Cont'd.)

The applicant must demonstrate by actual "dollars and cents proof" that a reasonable return cannot be achieved.

Unique Circumstances

Difficulties or hardships shared with others will not support a variance related to one parcel upon the grounds of hardship. There must be at least proof that a particular property suffers a singular disadvantage through the operation of a zoning regulation before a variance can be granted.

Essential Character

One of the basic purposes of zoning is to adopt reasonable regulations in accordance with a comprehensive plan. The applicant must demonstrate that the requested variance will not disrupt or alter the character of a neighborhood or district in reference to this plan.

Self-Created Hardship

A use variance cannot be granted when the unnecessary hardship has been created by the applicant, or where he/she acquired the property knowing of the existence of the condition of which he/she now complains.

**CONCLUSION**

It is highly important that the potential applicant understands and appreciates the above rules and standards under which appeals and variance decisions must be made by the Zoning Board of Appeals. These standards have been set forth by the law and courts of New York State.

The Zoning Board of Appeals urges all applicants or duly authorized representatives to become familiar with the applicable standards and to present clear, definitive facts demonstrating that the criteria have been met. While the board will offer full assistance to applicants who may be unfamiliar with the procedure itself, the board cannot grant relief where proper legal proof is not adequately presented.

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## ZBA Application Form

For Town Code Enforcement Officer Use Only:

Application # \_\_\_\_\_

Date Received: \_\_\_\_\_

### TYPE OF APPEAL BEING REQUESTED:

- ( ) Area Variance to the Zoning Regulations  
( ) Use Variance to the Zoning Regulations  
( ) Interpretation of Zoning Regulations or Zoning Map  
( ) (affirm, modify or reverse enforcement decision)

**INSTRUCTIONS FOR APPLICANT:** Complete Parts I, II and III, sign, date and submit this application form to the code enforcement officer along with:

- 1) A State Environmental Quality Review Act (SEQRA) Short Form (attached, or available at [www.dec.ny.gov/permits/6191.html](http://www.dec.ny.gov/permits/6191.html))  
Part I only, completed, signed and dated
- 2) Eight (8) copies of a **plot plan drawn to scale\*** including, at a minimum, the following information:
  - A. Precise/accurate property lines (Lake District: Locate and identify survey markers)
  - B. All structures, existing and proposed, including specific dimensions (sizes) and location on the lot  
(For new construction: all corners should be flagged/staked in preparation for site visit by board members)
  - C. All present and proposed side, front and rear yard setback dimensions from all structures (existing and proposed)
  - D. Location of water/well and septic facilities, proposed and existing, with separation distances noted
  - E. Adjacent landowners (names) and approximate location of neighboring structures, water/well and septic facilities
  - F. Any natural or man-made features that may affect the property (i.e., roads, driveways or easements, drains, ponds/wetlands)

(\*Note: The board reserves the right to request a surveyed plot plan if precise/accurate property lines cannot be determined or are unclear)

- 3) **Non-refundable application Fee** is due at time of application (please refer to current Fee Schedule)

Submit completed application to: Zoning/Code Enforcement Officer - P.O. Box 219 - Galway, NY 12074 (must be received by the first of the month to be placed on the agenda for the following month's meeting. (E.g., an application submitted by January 1 will be heard at the February meeting.) The Zoning Board of Appeals meets the first Tuesday of each month.

### Part I: APPLICANT INFORMATION:

Applicant Name: \_\_\_\_\_

Property Owner Name \_\_\_\_\_

(If other than applicant)

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Tele. (home) \_\_\_\_\_ (work) \_\_\_\_\_ (other) \_\_\_\_\_

Tele. (home) \_\_\_\_\_ (work) \_\_\_\_\_ (other) \_\_\_\_\_

**Address/Location of subject property** (please complete even if the same as above and include street/road name, house/lot # and brief driving directions)

Subject property **tax parcel #** (can be found on tax bill) \_\_\_\_\_

District: Agricultural/Residential: \_\_\_\_\_

Lake: \_\_\_\_\_

Commercial: (C1) \_\_\_\_\_ (C2) \_\_\_\_\_

### Part II: APPEAL INFORMATION:

I (we) hereby appeal to the Zoning Board of Appeals from a decision of the zoning/code enforcement officer denying me (us):

- ( ) A permit to build;  
( ) A certificate of occupancy; or  
( ) A certificate of continuation of a non-conforming use

Date decision was issued \_\_\_\_\_

Has a previous appeal been filed for this property: \_\_\_\_ yes \_\_\_\_ no

If yes, please indicate the date(s) and appeal number(s) \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Brief Description of the Project: \_\_\_\_\_

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**Part III: REASON FOR APPEAL** (Complete relevant sections, and please, be specific)

A. An AREA VARIANCE to the Zoning Regulations is requested for all of these reasons:

An undesirable change will not be produced in the character of the neighborhood or a detriment to nearby property will not be created by granting the area variance because \_\_\_\_\_

The relief sought by the applicant cannot be achieved by any other feasible method because \_\_\_\_\_

The requested area variance is not substantial because \_\_\_\_\_

The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because \_\_\_\_\_

The alleged difficulty has not been self-created because \_\_\_\_\_

**AFFIRMATIONS/SIGNATURES:**

I (we), \_\_\_\_\_ the applicant(s) for this action, do hereby affirm that all the information provided in this application is correct and accurate. I understand that furnishing information that is not correct or fraudulent may negate any findings and/or approvals granted by the Town of Galway Zoning Board of Appeals in regard this to application.

Further, I/We do hereby affirm and say that I/we are the owner(s) of the subject property or are under contract to purchase said property (*must provide proof - i.e., purchase contract*)

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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B. USE VARIANCE to the Zoning Regulations is requested for all of these reasons (all four standards must be met):

Under the applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question because:

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

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The requested use variance, if granted, will not alter the essential character of the neighborhood because: \_\_\_\_\_

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The alleged hardship has not been self-created because: \_\_\_\_\_

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C. An INTERPRETATION of the Zoning Regulations is requested because: \_\_\_\_\_

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**AFFIRMATIONS/SIGNATURES:**

I (we), \_\_\_\_\_ the applicant(s) for this action, do hereby affirm that all the information provided in this application is correct and accurate. I understand that furnishing information that is not correct or fraudulent may negate any findings and/or approvals granted by the Town of Galway Zoning Board of Appeals in regard this to application.

Further, I/We do hereby affirm and say that I/we are the owner(s) of the subject property or are under contract to purchase said property (*must provide proof – i.e., purchase contract*)

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

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**Optional Authorization/Consent for Third Party Representation**

I/We, the owner(s), or purchaser(s) under contract of the above subject property, do hereby give consent for

Representative Name \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

\_\_\_\_\_ to represent me and to act on my behalf at all proceedings before

the Town of Galway Zoning Board of Appeals in regard to this application.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

**FOR TOWN USE ONLY**

**Zoning/Code Enforcement Officer's Comments:**

Verify type of permit that was denied:

( ) A permit to build; ( ) A certificate of occupancy; or, ( ) A certificate of continuation of a non-conforming use

Date decision was issued \_\_\_\_\_

Reason for denial: (Reference Zoning Regulation that was violated (# and/or page number)

Brief Description of Project:

Desired setbacks/variances being requested as reviewed/verified with applicant:

**Proposed Dimensions**

**Permitted Dimensions:** (Pursuant to zoning regulations for specific district)

Road Frontage: \_\_\_\_\_ Lot Width: \_\_\_\_\_

Road Frontage \_\_\_\_\_ Lot Width: \_\_\_\_\_

Front Setback: \_\_\_\_\_ Rear Setback: \_\_\_\_\_

Front Setback \_\_\_\_\_ Rear Setback: \_\_\_\_\_

Side Setback: \_\_\_\_\_ Area (density) \_\_\_\_\_

Side Setback \_\_\_\_\_ Area (density) \_\_\_\_\_

Structure Coverage \_\_\_\_\_

Structure Coverage \_\_\_\_\_

Reviewed prints/plot plan submitted with application? \_\_\_\_\_ Comments? \_\_\_\_\_

Meeting all other town and/or NYS codes (i.e., for septic, well, foundation requirements, etc.)?

Any unique/special circumstances about this application the board should be aware of and/or Additional Comments:



617.20  
Appendix B  
Short Environmental Assessment Form

**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.

|  |  |             |           |
|--|--|-------------|-----------|
| <b>Part 1 - Project and Sponsor Information</b>  |  |             |           |
| 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?   |  |             | NO        |
| 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. |  |             | YES       |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?  |  |             | NO        |
| If Yes, list agency(s) name and permit or approval:  |  |             | YES       |
| 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  |  |             |           |

|  |                                |                                 |                                 |
|--|--------------------------------|---------------------------------|---------------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?   | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> | N/A<br><input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   | <input type="checkbox"/>       | <input type="checkbox"/>        | <input type="checkbox"/>        |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____  | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| b. Are public transportation service(s) available at or near the site of the proposed action?  | <input type="checkbox"/>       | <input type="checkbox"/>        |                                 |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?   | <input type="checkbox"/>       | <input type="checkbox"/>        |                                 |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies: _____  | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| 10. Will the proposed action connect to an existing public/private water supply? _____<br>If No, describe method for providing potable water: _____  | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____   | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?   | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| b. Is the proposed action located in an archeological sensitive area?  | <input type="checkbox"/>       | <input type="checkbox"/>        |                                 |
| 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<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____  | <input type="checkbox"/>       | <input type="checkbox"/>        |                                 |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| 16. Is the project site located in the 100 year flood plain?   | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES<br>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> NO <input type="checkbox"/> YES<br>If Yes, briefly describe: _____ | NO<br><input type="checkbox"/> | YES<br><input type="checkbox"/> |                                 |

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

|  | No, or small impact may occur | Moderate to large impact may occur |
|--|-------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 2. Will the proposed action result in a change in the use or intensity of use of land?   | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 3. Will the proposed action impair the character or quality of the existing community?   | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 5. 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?            | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 6. 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? | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 7. Will the proposed action impact existing:   | <input type="checkbox"/>      | <input type="checkbox"/>           |
| a. public / private water supplies?  | <input type="checkbox"/>      | <input type="checkbox"/>           |
| b. public / private wastewater treatment utilities?  | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | <input type="checkbox"/>      | <input type="checkbox"/>           |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | <input type="checkbox"/>      | <input type="checkbox"/>           |

|   | No, or<br>small<br>impact<br>may<br>occur | Moderate<br>to large<br>impact<br>may<br>occur |
|---|---|--|
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? | <input type="checkbox"/>                  | <input type="checkbox"/>                       |
| 11. Will the proposed action create a hazard to environmental resources or human health?                        | <input type="checkbox"/>                  | <input type="checkbox"/>                       |

**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.

|  |  |
|--|--|
| <input type="checkbox"/>   | 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. |
| <input type="checkbox"/>   | 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.   |
| <div> <div>Name of Lead Agency</div> <div>Date</div> </div>  |  |
| <div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>                         |  |
| <div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div> |  |

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