



Town of Riga  
6460 E. Buffalo Road  
Churchville, NY 14428  
(585) 293-3880 Ext 122

## Zoning Board of Appeals Area or Use Variance

### Included:

- One (1) Instruction Sheet (This Sheet)**
- One (1) Meeting Schedule & Deadline Dates**
- One (1) List of Fees 2026**
- One (1) ZBA Criteria and Guidelines**
- One (1) Guideline for Submitting a Referral to Monroe County**
- One (1) Agricultural Data Statement**
- One (1) Environmental Assessment Form (Riga)**
- One (1) Variance Application**
- One (1) Short Environmental Assessment Form (Parts 1&2)**

FILL IN THE APPLICATION SHOWING ALL APPLICABLE INFORMATION. Provide maps or clearly draw the area in question. Show ALL details, which may have some bearing on this application.

Complete the online Monroe County Development Review on their website –  
<https://cip.monroecounty.gov/drc/account>

Answer all questions on the short environmental assessment form.

Return this entire packet along with 8 copies and the application fee to the Zoning Board of Appeals Secretary. The application will be reviewed by the Zoning Board Chair and you will be notified once the application is deemed complete. A Public Hearing will be scheduled and you will receive a copy of the hearing notice in the mail.

If additional information is needed to complete the application the Zoning Board Secretary will contact you.

Questions? Please call:

Trish Minni  
Zoning Board Secretary  
585-293-3880 ext. 121



**TOWN OF RIGA  
ZONING BOARD OF APPEALS  
2026**

**MEETING SCHEDULE**

**1<sup>ST</sup> Thursday of every month at 7:00 PM  
Dates marked with \* are the second Thursday**

<b>Meeting</b>	<b>Deadline</b>
<u>1/8/2026(*2<sup>nd</sup> Thursday)</u>	<u>12/15/2025</u>
<u>2/5/2026</u>	<u>1/15/2026</u>
<u>3/5/2026</u>	<u>2/15/2026</u>
<u>4/2/2026</u>	<u>3/15/2026</u>
<u>5/7/2026</u>	<u>4/15/2026</u>
<u>6/4/2026</u>	<u>5/15/2026</u>
<u>7/2/2026</u>	<u>6/15/2026</u>
<u>8/6/2026</u>	<u>7/15/2026</u>
<u>9/3/2026</u>	<u>8/15/2026</u>
<u>10/1/2026</u>	<u>9/15/2026</u>
<u>11/5/2026</u>	<u>10/15/2026</u>
<u>12/3/2026</u>	<u>11/15/2026</u>



# Town of Riga – 2026 Fee Schedule



A residential building permit fee may be waived for any structure being rebuilt using the same footprint, that has been damaged by fire, accident, or natural disaster at the discretion of the Town Board.

All fees must be paid in full prior to issuance of any permit.

Activity or Permit	Building Department Fees		
Residential Structures	Basic Fee	or\$/SF	
New Construction	\$400 (min)	0.20	
Recreation Fee/per dwelling	\$500		
Certificate of Occupancy	\$100		
Storm Water Tie in Fee (when required)	\$100		
Post Construction Fee	\$100	Plus permit fees	
Permit Renewal (additional 6-months)	\$100		
Addition and Remodeling	\$100	0.15	
Accessory Structures	Basic Fee	or\$/SF	
Temporary Cargo Trailer/Containers for moving or remodeling (6 months)	\$100		
Accessory Buildings	\$50	0.10	
Deck	\$50	0.10	
Covered Porch	\$50	0.10	
Lean-to Shelters	\$50	0.10	
Wood-burning stoves or fireplaces (including inserts)	\$50		
Outdoor Wood Boiler	\$100		
Swimming Pool and or Hot Tub	\$30		
Swimming Pool In ground	\$60		
Solar Panels (Residential)	\$100 (max)	1.00	Sq foot of panel
Geo Thermal (Residential)	\$100		
Generator	\$50		
Heating/Appliance	\$30		
Demolition Residential & Commercial	Basic Fee	or\$/SF	
500 sq. ft. to 2,999 sq. ft.	\$50		
3,000 and higher sq. ft.	\$100		
Persons removing an agricultural structure that derive a minimum of \$10,000 of income per year from farming operations	No Charge		
Telecommunication Facility	Basic Fee	or\$/SF	
Replacing or upgrading of existing antennas	\$250/ea. antenna		
Addition of new antennas	\$250/ea. antenna		

Commercial Structures	Basic Fee	or\$/SF	
Temporary Cargo Trailer/Containers (6 months)	\$100		
3 <sup>rd</sup> Party External Plan review at discretion of building Inspector - costs to be paid for by applicant	Actual costs, plus 4%		
Consolidated Review (Complete structural plans including all utilities submitted with permit application)	\$150 \$150	0.20 0.10	for 1st 10,000 sq ft thereafter Over 10,000 sq ft
Segmented Review – An additional fee of \$0.05 per SF will be charged for review of each additional plan required that is not part of original application, including but not limited to electrical, heating, interior build out, etc.		0.05	
Certificate of Occupancy	\$150		
Permit Renewal	\$100		
Solar Panels (Commercial)	\$100 (min)	\$1.00	Per Sq foot of panel

\*All Special Inspections and Tests required per Chapter 17 of the 2020 International Building Code will be paid by the developer or contractor

Miscellaneous fees	Basic Fee	or\$/SF	
Mobile Home (in Park)	\$7.00 unit		
Mobile Home	\$10.00/qtr		Ag. Exempt
Sign Permit	\$25.00(min)	\$2.00	
Operating Permit – Profit organizations	\$100		
Operating Permit – Non-Profit organizations	No Charge		
Removal of a Stop Work Order	\$200		
Driveway- New or Alteration Permit	\$40		

### Town, Planning & Zoning Board Fees

In addition to the fees listed below, the actual cost of publication of Notices in official Newspapers of the Town, the actual cost of attorney charges, and the fees paid by the Town of Riga to its engineering consultant, plus four percent of that actual engineering cost as an administrative fee to the Town of Riga, will be billed to the applicant.

Activity or Permit	Town Board Fees		
Rezoning Request			
Application Fee	\$200.00		
Engineering Charges	Actual costs, plus 4%		
Attorney Charges	Actual costs		
Publishing Charges	Actual costs		
Excavating Permit			
Application Fee	\$150.00		
Engineering Charges	Actual costs, plus 4%		

Attorney Charges	Actual costs		
Publishing Charges	Actual costs		
<b>Excavating Permit</b>			
Permit Issuance Fee	\$150.00	0-500	Cubic Yards
	\$300.00	501-999	Cubic Yards
1000 Cubic Yards and up	\$300.00	+ \$25.00 per	each additional
			1,000 Cubic Yards
<b>Telecommunication Facility-Small Wireless Facilities</b>			
License Review Fee	\$1,750.00		
ROW Authorization Fee	\$ 600.00/1st	175	each additional
<b>Telecommunication Facility-Small Wireless Facilities (continues)</b>			
Construction of a new pole or structure Fee	\$1,000.00	each	
Annual License Fee	\$350.00	each SWF in Town ROW	
Annual License Fee	\$650.00	each constructed support structure in ROW	
<b>Activity or Permit</b> <b>Zoning Board of Appeals Fees</b>			
<b>Variance</b>			
Application Fee	\$300.00		
Engineering Charges	Actual costs, plus 4%		
Attorney Charges	Actual costs		
Publishing Charges	Actual costs		
<b>Interpretation</b>			
Application Fee	\$100.00		
<b>Zoning Board of Appeals Fees</b>			
<b>Special Hearing</b>			
Application Fee	\$225.00		
Engineering Charges	Actual costs, plus 4%		
Attorney Charges	Actual costs		
Publishing Charges	Actual costs		
<b>Planning Board Fees Subdivision &amp; Site Plan</b>			
Sketch Plan Review	\$50.00		
Informal Review	\$25.00, plus \$10/lot		
<b>Preliminary Approval – Subdivision</b>	\$350.00, plus \$50/lot		
Engineering Charges	Actual costs, plus 4%		
Attorney Charges	Actual costs		
Publishing Charges	Actual costs		
Final Approval Subdivision	\$50.00 w/o public hearing \$150.00, plus \$50/lot		
<b>Preliminary Approval – Site Plan</b>			
Residential	\$350.00/lot		
Commercial or Industrial	\$350.00, plus .05¢/sq. ft		
Engineering Charges	Actual costs, plus 4%		

Attorney Charges	Actual costs				
Publishing Charges	Actual costs				
<b>Final Approval - Site Plan</b>					
Residential	\$50.00/lot				
Commercial or Industrial	\$100.00 w/o public hearing / \$250.00 with				
Engineering Charges	Actual costs, plus 4%				
Attorney Charges	Actual costs				
Publishing Charges	Actual costs				
Re-Approval Subdivision or Site Plan			\$50.00		
Specially Scheduled Hearing- Subdivision or Site Plan			\$400.00		
<b>Activity or Permit</b>	<b>Planning Board Fees</b>				
<b>Special Use Permit –</b>					
Special Use Permit – AG/RES Zoning	\$50.00				
Special Use Permit – All other Zoning	\$200.00				
Engineering Charges	Actual costs, plus 4%				
Attorney Charges	Actual costs				
Publishing Charges	Actual costs				
<b>Special Use Permit's</b>					
Telecommunication Facilities - Small Wireless Facilities	\$600.00/1st new support structure	\$175.00	each additional		
Telecommunication Facilities	\$1,000.00	each			
Special Use Permit – non exempt	\$1,000.00 fee payable to the Town of Riga at the time of application for a non-exempt telecommunication facility.				
Special Use Permit	\$500.00 plus \$10.00/acre or fraction thereof, plus \$.06 cents per square foot of building or structure area be established for review of a recreation site plan.				
Recreation Facilities					
Special Use Permit	\$250.00 be assessed to the recreation facility owner to be payable within 30 days of January 1 <sup>st</sup> of the year following approval of a certificate of occupancy or approval to operate.				
Review and Renewal Fee for					
Recreation Facilities	Actual costs, plus 4%				
Engineering Charges	Actual costs				
Attorney Charges	Actual costs				
Publishing Charges	Actual costs				
Special Use Permit Review	\$250.00 plus \$.06 cents per square foot of building or structure area be established for review of any proposed amendment to an already existing approved site plan.				
"Recreation Amended Site-Plan"					
<b>Activity or Permit</b>	<b>Planning Board Fees</b>				
Filling Permit Application Fee	\$150.00				
Engineering Charges	Actual costs, plus 4%				
Attorney Charges	Actual costs				
Publishing Charges	Actual costs				
<b>Peddler/Soliciting Fee</b>	\$100.00/per peddler	e.g.: 5 peddlers from 1 company - \$500.00			
<b>Town of Riga Dog License/Seizure Fees</b>					
Dog Seizure Fee (First 24 hours of impoundment)	1 <sup>st</sup> Offense \$25.00/ 2 <sup>nd</sup> Offense \$50.00/3 <sup>rd</sup> Offense \$75.00				

Dog Boarding Fee (After 24 hours of impoundment)	\$15.00 per day	
Dog License Fee – Spayed/Neutered	\$9.00	
Dog License Fee – Un-Spayed/Un-Neutered	\$17.00	



## Guidelines for Applicants To the Zoning Board of Appeals

This publication has been written to aid potential applicants in understanding and appreciating the appeals process, and to provide an explanation of the rules and standards under which appeals and variance decisions must be made. Applicants and their representatives should be guided in advance by the standards in deciding whether an appeal would be appropriate. These standards have been set forth in law and by the courts of the State, and cannot be modified by the Zoning Board of Appeals.

### Why might you consider an appeal to the Zoning Board of Appeals?

A person may want to appeal to the Zoning Board of Appeals (ZBA) for two basic reasons. First, he or she may disagree with a decision the enforcement officer has made or an action he or she has taken. Second, the appealing party may believe that an exception (variance) to the zoning laws should be made for his or her property.

### How is the appeals process initiated?

Either the applicant or the applicant's representative must file a Notice of Appeal with the ZBA within 60 days after the enforcement officer has filed his or her decision or action. The enforcement officer's decision is filed in his or her office, unless the municipal governing board has authorized it to be filed instead in the municipal clerk's office. A copy of the Notice of Appeal must also be filed with the enforcement officer.

### Under what circumstances may an appeal be made to the Zoning Board of Appeals?

Except in certain instances, an applicant must be "aggrieved" by an actual decision or action taken by the enforcement officer. The exceptions occur where an applicant has already submitted an application for subdivision, site plan, or special use permit approval which requires an area variance in connection with that approval. In those instances, no decision of the enforcement officer is necessary. The applicant may simply file a Notice of Appeal directly with the ZBA.

### Who may apply to the ZBA for relief?

Anyone who could be "aggrieved" by the decision or action of the enforcement officer, has standing to take an appeal before the ZBA. A person is "aggrieved" if his or her property value is affected negatively by the enforcement officer's action. Commonly, a property owner who either has been refused a permit or has been served with an enforcement action, is the "aggrieved party." Also note, as stated above, that a landowner who has submitted an application for subdivision, site plan, or special use permit approval, may apply to the ZBA for an area variance without a decision of the enforcement officer. A neighboring landowner may also be an "aggrieved party", if he or she believes the enforcement officer's decision in issuing a permit was improper, and will negatively affect their property

value. In addition, any officer, board or commission of the municipality may appeal a decision of the enforcement officer, whether or not that officer, board or commission is aggrieved.

What decisions or actions are appealable?

Any decision or action issued in writing by the enforcement officer, which affects anyone's rights, is appealable. These decisions include: the grant or denial of a permit, the issuance of an appearance ticket or summons, or any order which mandates certain action, such as a cease-and-desist or stop-work order.

I'm a resident who lives near the proposed project. What happens if I find out about the project more than 60 days after the permit is filed?

If you are a "third party", such as a nearby resident, you may still bring an appeal more than 60 days after the permit is filed, *if you file within 60 days after you've had a reasonable opportunity to find out about the planned project*. For example, you would have 60 days from the time a sign is posted on the property announcing the future construction of a new business (whether or not you actually see the sign), if the sign is posted after the permit has been issued.

What types of relief can the ZBA grant?

The ZBA can grant (or deny) two types of relief: interpretive and variance. In either case, the ZBA will either affirm, reverse, or modify the enforcement officer's decision. In so doing, it will either grant or deny the requested relief. If the appeal is for an interpretation, the ZBA's decision will be based on the municipal zoning regulations. On the other hand, if the appeal is for a variance, the ZBA's decision will be based on the standards of proof contained in the following state statutes: §267-b of the New York State Town Law, §7-712-b of the Village Law, or §81-b of the General City Law.

Because of the range of powers the ZBA has, it is essential that the applicant (or the applicant's representative) know what type of relief to request when making application to the ZBA. If the applicant believes the enforcement officer's decision is incorrect, the appropriate request is for an *interpretation* reversing the officer's decision. If the applicant (in this case, the landowner) believes that the officer's decision may be correct, but that he or she can show proof under the statutes that a variance is warranted, then the appropriate request is for a decision granting a *variance*. It is also possible for an applicant to make a request for an interpretation, and, in the same application, ask for a variance if a favorable interpretation is not granted.

After a Notice of Appeal has been filed, what must happen?

After a Notice of Appeal has been filed, the ZBA will take up the matter at a future meeting. The ZBA is required to schedule a hearing on the applicant's appeal within a reasonable time, and give notice of the hearing to the applicant. If a variance is requested, the ZBA may be required to take some preliminary steps before it may hear the case.

First, the ZBA may have to make a determination of significance under the State's Environmental Quality Review Act (SEQRA). Based on this determination, an Environmental Impact Statement (EIS) may or may not be required. If an EIS is required, the case cannot be heard until the EIS has been completed and accepted by the ZBA. Environmental review is not necessary for interpretations of the zoning regulations or for area variances relating to setbacks and lot lines, or for area variances relating to one-, two-, or three-family residences.

Second, depending on the location of the property, the ZBA may be required by State law to refer requests for variances to the county planning agency for a preliminary recommendation. If such a referral is required, the ZBA must give the county 30 days to respond. It is also possible that the county's recommendation could result in an increase in the number of votes needed for the ZBA to approve the variance. Appeals for interpretations need not be referred to the county.

What is the responsibility of the applicant at the hearing?

At the hearing, the applicant may submit written evidence and/or argument to support his or her case. Obviously, the sooner that written testimony or material is received, the more time ZBA members will have to consider the case and reach a proper decision. Therefore, it is a good idea to submit written material with the application, or as soon thereafter as possible, so that it can be sent to ZBA members prior to the hearing. (Please note that the applicant can present written evidence at any time up to the close of the hearing, or even after the hearing if the ZBA allows the record to remain open.)

At the hearing, the ZBA will offer the applicant and/or the applicant's representative the opportunity to present a case for relief. The applicant may personally testify, call witnesses, or submit written evidence, including drawings and graphics. Because an appeal is an adversarial proceeding, the ZBA will offer the municipality an equal opportunity to present its side of the case (the side which supports the enforcement officer's decision). Each side will be given an opportunity to question the other, or the other's witnesses. In addition, ZBA members may ask questions.

After the applicant and the municipality have presented their cases, any other interested persons will be given the opportunity to speak and/or submit written material. If necessary, the hearing may be adjourned and continued at a later date. When all parties and interested persons have been granted the opportunity to be heard, the hearing will be closed.

Will the ZBA make a decision the night of the hearing?

Once the hearing is closed, the ZBA may begin discussing the case and reach a decision, or may postpone discussion and/or its decision until a later meeting. If the ZBA deems it necessary, the hearing may be reopened at any time. Once the hearing has been finally closed, the ZBA must make its decision within 62 days.

What is the basis for the ZBA's decision on an interpretation?

If requesting a reversal on an interpretative basis, the applicant must prove that the enforcement officer's decision was incorrect, according to a proper reading of the municipality's zoning regulations. If the ZBA has heard a case in the past which involved an interpretation of the same provision, the ZBA's decision will be consistent with its prior ruling. If the ZBA has never interpreted the particular provision at issue, it will use its best judgment as to the municipal governing board's original intent in enacting the provision. Secondarily, the ZBA will try to arrive at the best practical solution for future application by the enforcement officer.

Careful and thorough reference will be given to all definitions and other provisions of the regulations. If necessary, the ZBA will refer to authoritative publications on planning and zoning law. The applicant may, of course, use those resources in presenting his own case as well.

What must be proven in order to be granted a use variance?

If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove "unnecessary hardship." To prove this, State law requires the applicant to show *all* of the following:

- (1) that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted);
- (2) that the property is being affected by unique, or at least highly uncommon circumstances;
- (3) that the variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the hardship is not self-created.

If *any one or more* of the above factors is not proven, State law requires that the ZBA must deny the variance.

What must be proven in order to be granted an area variance?

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. State law requires the ZBA to take the following factors into consideration in making its determination:

- (1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;

- (2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
- (3) whether the requested 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 an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

Must the variance, if granted, be exactly what was applied for by the applicant?

Whether the ZBA decides to grant a use *or* area variance, State law requires the ZBA to grant the *minimum variance necessary* to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety and welfare of the community. For these same reasons, the ZBA may also impose reasonable conditions on the grant of any variance.

If there is no opposition to my variance request, must the ZBA grant the request?

The above rules and standards have been set forth in law and by the courts of the State, and cannot be modified by the Zoning Board of Appeals. If they are not followed, the municipality would be subject to costly lawsuits. The public is entitled to speak in favor of, or against, a proposed project, but opinions in and of themselves are not enough.

Applicants and their representatives should be guided in advance by the appropriate legal standards in deciding whether an appeal would be appropriate. If an appeal is taken, the applicant should present clear, definite facts showing that the standards have been met. The ZBA cannot grant relief where proper legal proof is not adequately presented.

NYS. Department of State  
41 State Street  
Albany, New York 12231  
(518) 473-3355 or (800) 367-8488  
localgov@dos.state.ny.us  
<http://www.dos.state.ny.us>



December 1999

George E. Pataki,  
Governor

Alexander F. Treadwell,  
Secretary of State



## 5 Criteria for ZBA

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of 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. That the requested variance is not substantial.
4. That the proposed variance will not have an adverse effect or impact on the environmental or physical conditions in the neighborhood or district.
5. That the alleged difficulty is not self-created.



## **USE VARIANCE – “UNNECESSARY HARDSHIP STANDARD”**

The New York State Legislature has recently amended Town Law, § 267 to specify more particularly the proof required to be furnished by a Use Variance applicant before a Use Variance can be granted by the Zoning Board of Appeals (ZBA) which reads as follows:

### **Use variances.**

(a) The board of appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the local law.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that (1) under applicable zoning regulations the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence; (2) that the alleged hardship relating to the property in question 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, and (4) that the alleged hardship has not been self-created.

(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.”

Your attention is especially invited to Standard No. 1 set out in (b) above:

The applicant must demonstrate that under applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by *competent financial evidence*.

What is meant by “deprivation of all economic use or benefit”? This involves the purchase price and current market value of the property . It must also involve “*rate of return*.”

### **WHAT YOU MUST PROVE**

A. In order to satisfy the “deprivation of all economic use or benefit standard”, the applicant must furnish *competent financial evidence* to the ZBA establishing:

1. The amount paid for the land in question.

2. Its present market value.
3. Annual maintenance expenses.
4. Annual land taxes and school taxes.
5. The unpaid balance of mortgages and other encumbrances.
6. The annual income from the land in question for each and every use permitted in this Zoning District.
7. Proof that this actual or estimated return for each permitted use is not reasonable under the circumstances.
8. If the subject premises are the subject of a contract of purchase contingent upon the grant of a use variance, then the applicant must establish the fair market value of the property independent of the purchase price, because in the absence of such proof, it will be presumed that the purchase price included a premium over fair market price at the time of purchase in expectation of favorable zoning relief. Professional Park v. Town of Bedford, 60 N.Y. 2d 492 (1983).
9. The rate of return for the current use and all other uses permitted in the zoning district.
10. The rate of return deemed necessary by applicant in order to gain a return equal to comparables in the neighborhood.

Proof of present market value and annual income can be best established through the testimony of an expert witness.

Where more than one use is permitted in the zoning district, the applicant must prove the projected annual income from each and every permitted use, and must prove that this annual return is not reasonable as compared to the return by like property in the community.

If, on the basis of this dollars and cents proof, the ZBA determines that the applicant will be deprived of all economic use or benefit of the property, then the applicant has proven the first part of the unnecessary hardship standard.

How can an applicant best prepare such proof for his case? By engaging a professional such as a licensed real estate appraiser (not a real estate salesman or broker) whose sole profession is appraising.

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B. ESSENTIAL CHARACTER: In addition, the applicant must prove by competent evidence that the proposed use will not alter the essential character of the neighborhood.

Describe accurately and fully the entire neighborhood. Use of tax maps, aerial photographs or ground level photographs may help.

C. UNIQUENESS: The applicant must prove that the hardship not so general throughout the zoning district as to require the conclusion that if all parcels similarly situated were granted variances, the zoning of the district would be materially changed. In other words, if the hardship is common throughout the area, then perhaps legislative action by the Town Board in the nature of a zone change or zoning ordinance amendment may be in order.

D. SELF-CREATED HARDSHIP: If the hardship complained of is self-imposed, then the variance must be denied. The cases hold that a party who knowingly acquires land for a use prohibited by the Zoning Ordinance creates his own hardship. Even if he did not actually learn of the prohibition at the time of the purchase he is nevertheless chargeable with knowing the restrictions on use.

E. PERSONAL PROBLEMS: Is the plight of the owner due to personal problems as opposed to use of the land or buildings? If due to personal problems, then the use variance must be denied.

Your attention is especially invited to the new law which states:

“Which deprivation must be established by *competent financial evidence*.”

The bottom line in Use Variances is that the burden of proof is on the applicant. If the applicant does not satisfy *each* of those above standards, then the variance must be denied.



# Development Review

## Development Review Online

Effective Thursday, July 1, 2021, the DRC online system becomes the primary record keeping system of all documents related to development review referrals. These documents include, but are not limited to, project information, studies, images, maps, engineering/architectural drawings, county review responses, and municipal final actions. The documents uploaded by all users through the online portal must be in compliance with the current [New York State Archives Digital Imaging Guidelines \(2019\)](#).

All users must agree to the [Monroe County Development Review Online Database User Agreement](#) before uploading any documents.

As of June 15, 2020 Monroe County is asking all Municipalities, Applicants, and their Agents to submit Development Referrals via an online portal. The DRC Online Portal will allow you to fill out and upload project documents related to development review referrals (GML Sect. 239 Referrals). The online application will make the Development Review Process quicker for all parties involved and reduce the number of copies the municipality or applicant need to be submitted to Monroe County. Starting Monday, June 15, 2020, applicants and municipalities should use the online form to upload project information and supporting files through the Development Review Online Portal.

Development Review Online

## To Submit a DRC to Monroe County, the municipality or applicant need to follow the steps below:

### Go to the Development Review Online (DRC) website:

- Step 1: Create a new account (first time only) or login to an existing account to add a new referral;
- Step 2: Follow the online form to fill in all required information, please enter "NA" or "0" for not applicable fields; (we are using email for all the communication, so please make sure you provide correct email addresses)
- Step 3: Upload project plan maps and other supporting documents;
- Step 4: Save Changes;
- Step 5: Submit the application, which will notify the municipality to certify the application; (This is located on top of the form)
- Step 6: If a project has frontage on Monroe County road AND/OR might impact the County Right of Way, Monroe County Department of Transportation requires ONE (1) hard copy of your entire application including the online referral form AND all supporting documents. Please mail/deliver the required documents to Monroe County Department of Transportation within a week. If you are not sure, please call MCDOT, John Raymond at 585-753-7711. (Please coordinate with the municipality to decide who will send out the hard copies).

Note: If you are an applicant or applicant agent, who would like to submit the referral directly to County Planning through the online portal, please communicate the development review referral with the municipal officer(s) before and after you submit the referral online.

## Development Review Guide:

Please use the below link to access the Development Review Guide which will provide you more information about the Development Review Process required by New York State General Municipal Law §239-l, m & n. This law, commonly referred to as GML §239, was established to encourage and coordinate inter-community and county-wide planning and zoning decisions between local municipalities and county planning.

[Development Review Guide \(PDF\)](#)

This Guide has three components, which describe:

- What types of projects need to be referred to County Planning
- How to submit Development Review Referrals?
- How County Planning processes and reviews these projects?

### Resource Maps:

- [Map A: 239 Review Area](#)
- [Map B: Agriculture District](#)
- [Map C: Airport Review Area](#)
- [Map D: County Advisory Review Area](#)
- [Map E: Watershed](#)
- [All Maps of the Monroe County Review Area \(Large File Size\)](#)

### Appendices:

- [Appendix A: Intergovernmental Agreement Schedule A\\_ List of Exemptions](#)
- [Appendix B: Monroe County Development Review Online Manual](#)
- [Appendix C: New York State General Municipal Law 239-l, m, &n](#)
- [Appendix D: Monroe County Development Review Online Database User Agreement](#)

### Development Review Contact:

DRC Manager

Monroe County Department of Planning and Development  
50 West Main Street, Suite 1150  
Rochester, NY 14614

## Development Review Online Guides

- [Guide for Municipalities \(PDF\)](#)
- [Municipal Introduction to DRC Online \(Video\)](#)
- [How to Register a New User Account \(Video\)](#)
- [Frequently Asked Questions - Updated Regularly \(PDF\)](#)

### GML Sect. 239 §239-l, m & n, Referral of Proposed Planning and Zoning Actions, in brief:

Under NYS General Municipal Law 239-m and n, municipalities shall refer certain proposed planning and zoning actions, including subdivisions, to the county planning agency. Planning and zoning actions are defined as:

- i. adoption or amendment of a comprehensive plan pursuant to section two hundred seventy-two-a of the town law, section 7-722 of the village law or section twenty-eight-a of the general city law;
- ii. adoption or amendment of a zoning ordinance or local law;
- iii. issuance of special use permits;
- iv. approval of site plans;
- v. granting of use or area variances;
- vi. other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

The above planning and zoning actions that apply to real property within five hundred feet of the following shall be referred to Monroe County Planning & Development:

- i. the boundary of any city, village or town; or
- ii. the boundary of any existing or proposed county or state park or any other recreation area; or
- iii. the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- iv. the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- v. the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- vi. the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and markets law, except this subparagraph shall not apply to the granting of area variances.

For further information about what planning and zoning actions are referred to Monroe County Planning & Development please review General Municipal Law 239-m and -n or contact Monroe County Planning & Development's Planning Division via [DevelopmentReview@monroecounty.gov](mailto:DevelopmentReview@monroecounty.gov).



## AGRICULTURAL DATA STATEMENT

**Town of Riga  
6460 E. Buffalo Road  
Churchville, NY 14428  
Telephone: (585) 293-3880**

This form shall be prepared and submitted with each application for a *Special Use Permit, Site Plan Approval, Use Variance, or Subdivision Approval*, where development or activity proposed under such permit or approval would occur on property within an agricultural district (as designated or defined under Article 25-AA of the Agricultural and Markets Law) containing a farm operation or on property within 500 ft. of a farm operation located in an agricultural district.

**1. Applicant's Name and Address:**

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**2. Location of Proposed Project (describe by street address if available, and by reference to nearest intersecting streets):**

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**Tax Account No.(s)** \_\_\_\_\_

**Dimension of Property** \_\_\_\_\_ **Acreage** \_\_\_\_\_

**3. Title Owner(s) Affected Land(s)**

**Give the name and address of each title owner of**

- a. land on which the proposed project is to occur, which land contains farm operations and is within an agricultural district**
  
- b. land within 500 feet of any boundary of the property on which the proposed project is to occur, which land contains farm operations and is within an agricultural district**

#### **4. Description of Proposed Project**

**Describe in detail the nature (e.g. commercial, industrial, office, residential) and extent of the proposed project.**

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## 5. Maps

**Attach a copy of relevant tax map(s) or other map(s) showing the site of the proposed development relative to the location of the farm operations identified above.**

Date

**Signature of Applicant**



## ENVIRONMENTAL ASSESSMENT FORM

**Town of Riga**  
**6460 Buffalo Road**  
**Churchville, NY 14428**  
**Telephone: (585) 293-3880**

**1. Applicant's Name and Address:**

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**2. Application to \_\_\_\_\_**  
(Town Agency)

**3. Application for \_\_\_\_\_**  
(Type of Permit/Approval)

**4. Zoning Classification \_\_\_\_\_**

**5. Tax Account Number \_\_\_\_\_**

**6. Briefly describe the nature and location of the project:**  

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**7. Amount of land affected: Initially \_\_\_\_\_ acres. Ultimately \_\_\_\_\_ acres**

**8. Briefly describe the present land uses in the vicinity of the project:**  

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**9. What did the Town originally propose this land be used for, based on the Town's Comprehensive Plan (open space, industrial, residential, etc.) \_\_\_\_\_**  

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**10. Will the project result in the filling, draining, excavation, or other disturbance of wetlands? \_\_\_\_\_**

**11. Will the project be located within 100 ft. of a wetland? \_\_\_\_\_**  

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12. Does the property on which the project is to be located contain:

- a. A conservation easement? \_\_\_\_\_
- b. A creek or a stream? \_\_\_\_\_
- c. A woodlot? \_\_\_\_\_
- d. A steep slope? \_\_\_\_\_
- e. A known or suspected waste site, a landfill, or is it within 2,000 ft. of an old dumpsite? \_\_\_\_\_
- f. A designated flood plain? \_\_\_\_\_
- g. Trees of 15 inch diameter or greater? \_\_\_\_\_

13. Will the project result in the removal of more than one-half acre of vegetation? \_\_\_\_\_

14. Will the project involve the use of insecticides, herbicides, radioactive material, solvents, or other chemicals or substances potentially harmful to humans, animals, vegetation, etc? \_\_\_\_\_

15. Will this project have any negative effects on the environment? \_\_\_\_\_

16. Will this project have any positive effects on the environment? \_\_\_\_\_

17. Will this project have any effects on neighboring properties? \_\_\_\_\_

18. Is the project located in an Agricultural District? \_\_\_\_\_

19. Is the project located in an area considered by the County to have prime and unique soils for farming? \_\_\_\_\_

20. What does the Soil Conservation Service recommend as the best use for the soil on this property? \_\_\_\_\_

21. Will the proposed project comply with existing zoning or other existing land use restrictions? \_\_\_\_\_  
If no, explain below:

Does the proposed project involve permit approvals, or funding, now or ultimately, from any other governmental agencies (local, state, or federal)? \_\_\_\_\_  
If yes, please list:

**If you have answered "yes" to any of questions 10 through 20, please explain your answer below; include your plans to deal with each of these factors to prevent any significant adverse environmental impacts.**

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**Signature of Applicant**

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**Date**

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## APPLICATION TO THE ZONING BOARD OF APPEALS

RETURN TO: Town of Riga, 6460 Buffalo Road, Churchville, NY 14428  
Telephone: (585) 293-3880

**TO THE ZONING BOARD OF APPEALS, TOWN OF RIGA, COUNTY OF MONROE, STATE OF NEW YORK:**

I (We) \_\_\_\_\_

Of \_\_\_\_\_

Date of Application \_\_\_\_\_

Hereby apply to the Zoning Board of Appeals, for the following:

\_\_\_\_\_ Interpretation of Zoning Ordinance provision

\_\_\_\_\_ Use Variance

\_\_\_\_\_ Area, setback, height or other lot variance

\_\_\_\_\_ Other (specify): \_\_\_\_\_

1. Location of Property (describe by street address if available, and by reference to nearest intersecting streets):  
\_\_\_\_\_  
\_\_\_\_\_

Tax Account No.(s)\* \_\_\_\_\_

Dimension of property \_\_\_\_\_ Acreage \_\_\_\_\_

\*NOTE: If property proposed for development contains two or more existing parcels or lots, please indicate Tax Account No., Dimensions, and Acreages of each.

2. Title Owners(s) Affected Land(s)\*

Name(s) \_\_\_\_\_

Address(es) \_\_\_\_\_

\*NOTE: If applicant and owners are not the same, the title owner(s) must sign the authorization statement at the end of this form. If property proposed for development contains two or more existing parcels or lots in separate ownership, please indicate name and address of each owner.

3. **Present Zoning Classification of Property:-** \_\_\_\_\_

**Present use of property** \_\_\_\_\_

4. **Provisions of the Zoning Ordinance involved in this application (indicate article, section, subsection and paragraph):** \_\_\_\_\_

5. **Nature of Variance or Interpretation.** What is the exact nature of the variance or interpretation requested? (Examples: if variance of yard (setback) requirement is requested, give the width of the yard or setback you are requesting and the minimum requirement under the Code. If a use variance is proposed, describe the proposed use. If an interpretation is requested, describe the interpretation you believe is appropriate and the interpretation of the Zoning Officer).

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6. **Date of Determination** \_\_\_\_\_ If the determination was submitted in writing, attach a copy.

7. **Building Permit.** Has a building permit been applied for in connection with this application? \_\_\_\_\_ Yes \_\_\_\_\_ No

If "yes", give date: \_\_\_\_\_

8. **Previous Application.** A previous application \_\_\_\_\_ (has) \_\_\_\_\_ (has not) been made with respect to this property.

If such an application has been previously made, indicate the date(s): \_\_\_\_\_ and nature of application:

\_\_\_\_\_ Request for interpretation of Zoning Ordinance provision

\_\_\_\_\_ Request for use variance

\_\_\_\_\_ Request for area, setback, height or other lot variance

\_\_\_\_\_ Other (specify): \_\_\_\_\_

9. **Reason for Application.** Complete relevant areas. Use extra sheets if necessary.

A. **Interpretation of the Zoning Ordinance is requested because:** \_\_\_\_\_

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**B. A Variance to the Zoning Ordinance is requested for these reasons:**

**a. Strict application of the ordinance would produce undue hardship because:**

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**b. The hardship created is unique and is not shared by all properties alike in the immediate vicinity of this property and in this use district because:**

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**c. The variance would observe the spirit of the ordinance and would not change the character of the district because:**

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**C. Answer the following questions and be prepared to address each question to the Zoning Board of Appeals:**

**1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.**

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**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.**

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**3. That the requested variance is not substantial.**

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4. That the proposed variance will not have an adverse effect or impact on the environmental or physical conditions in the neighborhood or district.

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5. That the alleged difficulty is not self-created.

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**The applicant(s) hereby affirms that the above information is accurate and complete, to the best of his/her knowledge and information, and that he/she/they is/are the title owner(s) of the property or has/have been authorized by the title owner(s) to make this application.**

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**Applicant(s) Signature(s)**

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**I/We hereby certify that I/We am/are title owner(s) of the property identified in the above application and that the applicant(s) named above is/are authorized to make the application described herein.**

**Signature of Title Owner**

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**Signature of Title Owner**

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**FOR OFFICE USE ONLY: DATE RECEIVED \_\_\_\_\_ FEES PAID \_\_\_\_\_**

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***Short Environmental Assessment Form***  
***Part 2 - Impact Assessment***

**Part 2 is to be completed by the Lead Agency.**

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: a. public / private water supplies?  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"/>
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"/>

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

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.
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Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services 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 the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	<hr/> <hr/> <hr/>		
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<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	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<hr/> <hr/> <hr/>		

# ***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?

NO

YES

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.

2. Does the proposed action require a permit, approval or funding from any other government Agency?

NO

YES

If Yes, list agency(s) name and permit or approval:

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, are adjoining or near the proposed action:

Urban  Rural (non-agriculture)  Industrial  Commercial  Residential (suburban)

Forest  Agriculture

Aquatic  Other(Specify):

Parkland

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:			
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <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?			<input type="checkbox"/> NO <input type="checkbox"/> YES
16. Is the project site located in the 100-year flood plan?			<input type="checkbox"/> NO <input type="checkbox"/> YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,			<input type="checkbox"/> NO <input type="checkbox"/> YES
a. Will storm water discharges flow to adjacent properties?			<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:			<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:			<input type="checkbox"/> NO <input type="checkbox"/> YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:			<input type="checkbox"/> NO <input type="checkbox"/> YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:			<input type="checkbox"/> NO <input type="checkbox"/> YES
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>			
Applicant/sponsor/name:		Date:	
Signature:		Title:	

