

**TOWN OF BENNINGTON, NY  
ZONING PERMIT APPLICATION  
TO CONSTRUCT, ENLARGE OR DEMOLISH A BUILDING**

**To the Zoning Enforcement Officer**, Town of Bennington:  
Pursuant to the provisions of the Zoning Law of said Town,  
application is made for a permit.

<b><u>OFFICIAL USE ONLY</u></b>	
Date Received:	_____
Tax ID#:	_____
Permit #:	_____
Fee Paid:	_____
Paid by Cash or Check #:	_____

**NO WORK TO BE STARTED BEFORE APPROVAL FROM ZONING OFFICER**

To: Erect  }  
 Enlarge  } a \_\_\_\_\_  
 Alter  }  
 Demolish  }

**An approved zoning permit is required before a building permit will be issued by Wyoming County.**

1. Owners of Land: \_\_\_\_\_  
 On the premises known as/street address \_\_\_\_\_

Located in the  **A/R** District  **R-1** District  **R-M** District  **Business** District  
 **Seasonal** District  **PUD** District  **Other** (Specify) \_\_\_\_\_ (zoning officer to complete)

2. Is this parcel in a floodplain and/or wetland?  Yes  No

3. Are there any water ways (streams, creeks, etc.) on or within 500 feet of property lines?  Yes  No

4. Size of parcel/lot: \_\_\_\_\_ ft. wide \_\_\_\_\_ ft. deep/long \_\_\_\_\_ acres

5. Location of Parcel:  North  South  East  West side of \_\_\_\_\_ Rd./St. nearest \_\_\_\_\_ Cross Rd./St.

6. List all existing buildings by function (i.e.: house, barn, etc.) and sizes that are currently located on this parcel. (Use additional sheets if necessary.)

a. \_\_\_\_\_, size \_\_\_\_\_ b. \_\_\_\_\_, size \_\_\_\_\_

c. \_\_\_\_\_, size \_\_\_\_\_ d. \_\_\_\_\_, size \_\_\_\_\_

7. Number of Families housed on this parcel: \_\_\_\_\_

8. Purpose of building being erected or demolished as applied for in this application (check all that apply):

Residential Use  Residential Multiple Use  Seasonal Use  Business Use

Agricultural Use  Manufacturing Use  Other (please specify): \_\_\_\_\_

9. New Building: Size: \_\_\_\_\_ ft. wide \_\_\_\_\_ ft. long \_\_\_\_\_ ft. high \_\_\_\_\_ ft. diameter

Area: \_\_\_\_\_ square feet Estimated Cost to Complete Project: \$ \_\_\_\_\_

10. New Building Style (i.e.: ranch, mobile home, etc.) \_\_\_\_\_

Exterior Material (i.e.: wood, vinyl, metal, etc.) \_\_\_\_\_ Type of Heat \_\_\_\_\_

11. Number of Baths: \_\_\_\_\_ Number of Bedrooms: \_\_\_\_\_ Total Rooms: \_\_\_\_\_ Number of Fireplaces: \_\_\_\_\_

12. Full Basement:  Yes  No Number of Porches & Sizes: \_\_\_\_\_ Attached Garage Size: \_\_\_\_\_

13. If such permit is granted, applicant agrees that the provisions of the zoning laws of the Town of Bennington and all other laws that may be applicable will be complied with and that such permit shall expire and be of no effect unless construction is started within **three months of the date of issuance and unless completed within twelve months of the date of issuance.**

14. Contractor Name: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

Contractor Address: \_\_\_\_\_

Contractor Phone: \_\_\_\_\_

15. Applicant/Owner Name: \_\_\_\_\_

Applicant/Owner Address: \_\_\_\_\_

Applicant/Owner Address: \_\_\_\_\_

Applicant/Owner Phone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner/Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Zoning Enforcement Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Town Clerk

\_\_\_\_\_  
Date

Permit, above requested (granted) (denied) the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Subject to the condition of the Zoning Law of the Town of Bennington and all other laws that may be operative.

Conditions of Approval \_\_\_\_\_

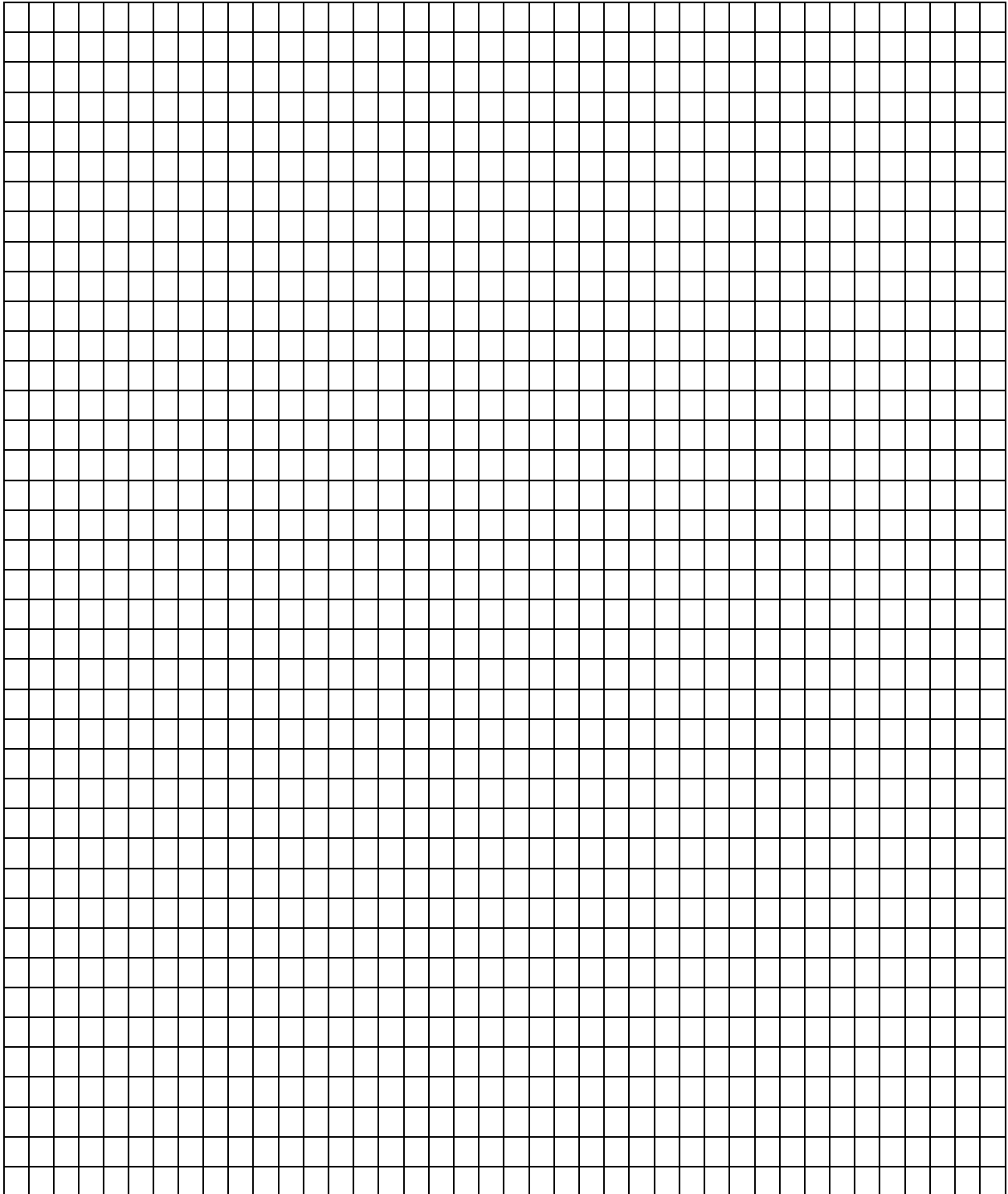
A denial is based on a violation of Section \_\_\_\_\_ Article \_\_\_\_\_ of the Zoning Law as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Sketch Map

(Include and label road where property is located. Also include lot lines, all buildings, dimensions and distance from lot lines)



**New building distance from property lines (in feet):**

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

Left: \_\_\_\_\_ Right: \_\_\_\_\_

**Town of Bennington**  
905 Old Alleghany Road  
Attica, New York 14011  
(585) 591-2157

**In order to acquire the necessary permits to construct, enlarge, alter OR demolish a building in the Town of Bennington follow steps 1 to 9 below, as applicable:**

1. If purchasing land to build a new residence, you may want to do the required Perk Test before you purchase the property OR make the purchase contingent upon the property passing the Perk Test.
2. Contact the Wyoming County Environmental Department for Perk Test requirements for new residences.
3. If application is for a new residence, zoning application will not be approved until a Perk Test has been approved by the Wyoming County Environmental Department.
4. Contact the Bennington Town Clerk / Town Hall or our website ([www.benningtonny.com](http://www.benningtonny.com)) on the bottom of the main page for the application forms for Zoning Permit. Review the Zoning Laws at the following website ([www.benningtonny.com](http://www.benningtonny.com)) under the Zoning Officer tab on the left.
5. Answer all questions accurately. Supply any working plans and drawings. Sign and date the application. Pay the required fees to the Town Clerk. Checks are payable to "Bennington Town Clerk".
  - \*\*Zoning Permit fee for construction over 400 sq. feet is \$50.00.
  - \*\*Zoning Permit fee for construction 400 sq feet or under is \$25.00.
6. Return Zoning Permit application with fee to the Town Clerk for referral to Zoning Officer.
7. Upon approval of the Zoning Permit, contact Wyoming County Building Department and request a Building Permit application. If application is for a residence, contact the Town, County, or State Highway Superintendent, depending on the road the property is located on, for information concerning placement of the driveway.
8. For a property without a street number contact County Highway department to obtain.
9. In the Spring or Fall when our dirt roads are soft, please inform the Highway Superintendent as to the routes any heavy equipment will be required to travel.

**Bennington Town Hall and Town Clerk Hours:**

Monday through Wednesday 6:00 pm to 7:30 pm; Saturday 9:00 am to 1:00pm

**Zoning Officer Hours:**

Wednesday 6:00 pm to 7:30 pm; Saturday 9:00 am to 1:00pm

Town Clerk  
Judy Brown  
585-591-2157

Wyoming County Environmental Dept  
585-786-8894

Zoning Officer  
Katie-Nicole Marble  
585-591-2157

Wyoming County Building Department  
585-786-8820

Assistant Zoning Officer  
Lisa Clemente  
585-591-2157

Wyoming County Highway Department  
585-786-8955

Bennington Highway Department  
Ken Czworka  
585-591-2664

NY State Department of Transportation  
585-786-3310

# Town of Bennington

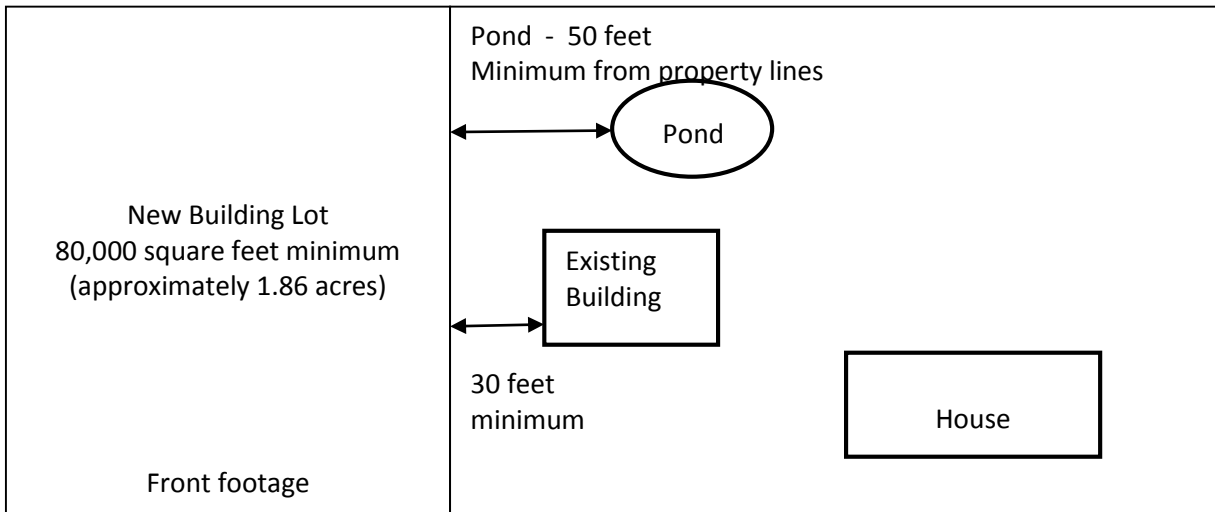
## Basic Information on Lot Sizes and House / Building Requirements

- Minimum Lot Size – 80,000 square feet (approximately 1.86 acres)
- Minimum Width of Lot – 200 feet at the front setback line of home
- Yards
  - Front Yard – 50 feet minimum
  - Side Yard – 30 feet minimum
  - Rear Yard – 30 feet minimum
- Height of Dwelling – 30 feet maximum (not including chimneys)
- Height of Accessory Buildings – 18 feet maximum
- Livable Floor Area for Dwellings
  - Single-family – 950 square feet
  - Two-family – 800 square feet for each unit
- Ponds – 50 feet from outside base of levee / dike to all property lines
- Flag Lot
  - Road Frontage – 50 feet minimum
  - Setback – 200 feet minimum

A lot created from an existing parcel must have side yard boundaries at least 30 feet from existing buildings and 50 feet from ponds,

A house built within 200 feet of the highway must have a foundation wall which is a minimum of 2 feet above the elevation of the centerline of the highway.

### Example of Land Division



## **Surface Slope Requirements – Article II, Section 1.8**

The surface slope of all surfaces of the front, side and rear yards of any building shall slope down and away from the foundation walls on a slope of not less than 1 (one) percent for a distance equal to at least one-half the width or depth of the required yards. When a building is located within 200 feet of a public highway or road, the top of the foundation wall in the front of the building shall not be less than two (2) feet above the elevation of the center line of the road fronting the premises. When unnecessary hardship or practical difficulty due to topographic conditions is proven, the Board of Appeals, without public hearing, shall vary the requirements set out above to permit reasonable use of the premises consistent with the intent and purposes of this Local Law, provided that all surfaces of the front, side and rear yards of any building shall slope down and away from the foundation walls for a distance equal to at least one-half the width or depth of the required yards.

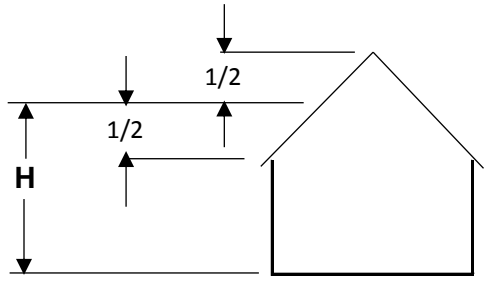
In any district it shall be unlawful to occupy for sleeping purposes or for public assembly, any part of a one-story structure the floor of which is below the required front yard elevation, except that this provision shall not apply to the emergency use of an air raid shelter, tornado shelter or similar protective shelter.

**The above is not a complete list of zoning requirements for the Town of Bennington. Refer to the Town of Bennington's Zoning Law for more information – available at Town Clerk's Office or on website at: [benningtonny.com](http://benningtonny.com).**

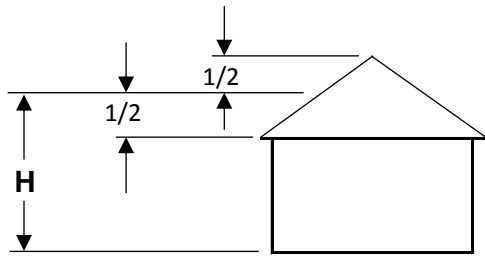
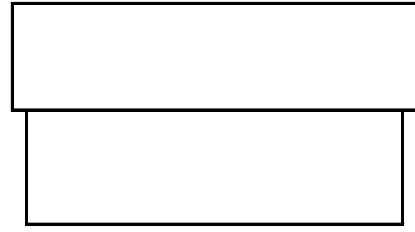
**Zoning Permit Applications are available at the Town Clerk's Office.**

# Building Height Requirements for Town of Bennington

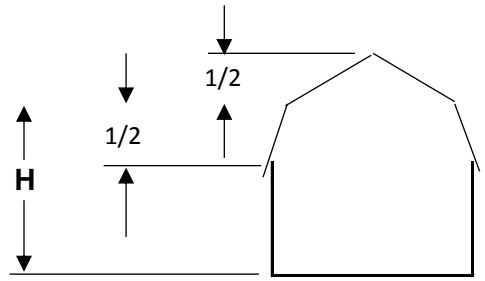
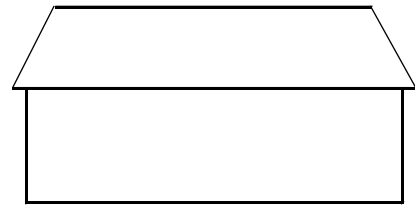
When measured from ground to height (H) on these examples, a house may be a maximum of 30 feet (not including chimneys) & a garage may be a maximum of 18 feet



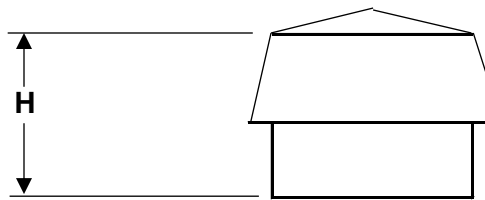
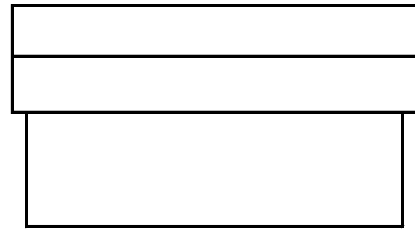
GABLE



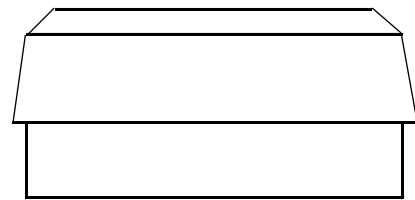
HIP



GAMBREL



MANSARD



**BUILDING HEIGHT:** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of Mansard roofs; and to the average height between eaves and ridge for Gable, Hip and Gambrel roofs.

See Local Law #4-2010

**Wyoming County  
Building Department  
Wyoming County Government Center  
143 North Main Street  
Warsaw, NY 14569  
585-786-8820  
Fax 585-786-6020**

**Building Permits Are Required for the Following**

1. Erection, construction, enlargement, alteration, improvement, removal or demolition of any building or structure.
2. Installation of heating equipment, solid fuel burning appliances, chimneys, flues, and vents.
3. Installation of new windows involving a change of size or where the windows are used to meet the emergency exit requirements for habitable space.
4. Swimming pools.

**Exceptions:**

1. Farm buildings used exclusively for agricultural purposes.
2. Small non-commercial structures not intended for human occupancy, such as storage buildings 150 square feet or less.
3. Work that does not materially affect structural features such as new roofing or new siding.
4. Replacement of windows with no size change.
5. Work that does not affect safety features, such as smoke detectors, sprinklers, required fire separations and exits.

**Documents To Be Submitted With Building Permit Application to Wyoming County**

1. Copy of Zoning Permit from Town / Municipality where work will be done or letter from appropriate zoning officer stating a permit is not required.
2. Copy of Septic Permit from Wyoming County Health Department, if required. Required for new dwellings or storage buildings, if no dwelling on property.
3. Two sets of building plans and specifications for work to be done. Floor plan, elevations and sectionals showing sufficient detail to show compliance with the Uniform Code. (Room, door and window sizes, construction details, etc.) After approval, one set of plans will be returned.
4. The seal of a New York State Licensed architect or professional engineer must appear on all plans for:
  - a. Single-family dwellings with over 1,500 square feet of living area.
  - b. Multiple-family dwellings or conversions to multiple-family dwellings.
  - c. All buildings classified under general construction such as: stores, factories, storage facilities, service stations, etc.
5. Completed building permit application.
6. Fee payable to: Wyoming County Treasurer.

**NOTE:** Time will be required for checking plans with the Uniform Code. Every effort will be made to issue a permit or notify applicant of any required changes within 10 working days after receiving the building permit application. Please plan starting dates accordingly.



**WYOMING COUNTY PLANNING BOARD**  
**SITE PLAN APPROVAL CHECKLIST (REVISED 02/09)**  
(to be forwarded to all Wyoming County Towns and Villages)  
**(when applicable this form to be completed by Applicant)**

The Wyoming County Department of Planning & Development has identified the following as important elements which should be included when site plans are referred to the Wyoming Planning Board. Specific criteria for site plan review vary by town & village & can be found within the appropriate & applicable jurisdiction's Zoning code.

Failure to submit the requested documentation & information, if applicable, may cause the Wyoming County Planning Board to consider the application incomplete & consequently table the proposed project until complete materials are submitted.

- 1.** \_\_\_\_\_ Title of drawing, including name and address of applicant and person responsible for preparation of drawing
- 2.** \_\_\_\_\_ North arrow, scale and date
- 3.** \_\_\_\_\_ Boundaries of the property plotted to scale; location and dimensions of setbacks
- 4.** \_\_\_\_\_ Existing watercourse and bodies of water
- 5.** \_\_\_\_\_ Grading and drainage plan showing existing and proposed contours and location of any proposed storm sewer drains, culverts, retaining walls or fences
- 6.** \_\_\_\_\_ Type of construction materials and exterior dimensions of all buildings
- 7.** \_\_\_\_\_ Location of any outdoor storage & parking or truck loading areas showing points of entry & exit from the site
- 8.** \_\_\_\_\_ Description of the method of sewage disposal and location of the sewage disposal facilities
- 9.** \_\_\_\_\_ Pedestrian access, if any
- 10.** \_\_\_\_\_ Identification & description of the method, location, design & source of securing public or private potable water
- 11.** \_\_\_\_\_ Location, size and design of any and all proposed signs
- 12.** \_\_\_\_\_ Location and proposed development of all buffer areas, including existing vegetation cover
- 13.** \_\_\_\_\_ Location and design of any and all outdoor lighting facilities
- 14.** \_\_\_\_\_ General landscaping and / or screening plan and planting schedule
- 15.** \_\_\_\_\_ Location of fire lanes and hydrants
- 16.** \_\_\_\_\_ Identification of the location and amount of building area proposed for retail sales or similar commercial activity
- 17.** \_\_\_\_\_ Location and design of all energy distribution facilities, including electrical, gas and solar energy
- 18.** \_\_\_\_\_ An estimated project construction schedule
- 19.** \_\_\_\_\_ Record of application for and approval status of all necessary permits from state or county agencies or official
- 20.** \_\_\_\_\_ Identification of any state or county permits required for the project's execution
- 21.** \_\_\_\_\_ Map or aerial identifying adjacent parcels and land usages
- 22.** \_\_\_\_\_ Part I and Part II State Environmental Quality Review (SEQR) completed