# USE VARIANCE APPLICATION

## REVIEW PROCESS

1. Required Pre-Submission meeting with staff to determine general completeness to be held no later than 1 week prior to deadline day. Call (518) 761-8238 for appointment.

2. Submittal of complete application: *1 original & 14 copies* of the application package by monthly deadline.

3. Determination of application completeness. All necessary information must be provided and appropriate fee(s) paid for consideration for placement on an agenda for that month.

4. Incomplete applications will not be considered for placement on any agenda until all missing information has been supplied.

5. Submittal to the Warren County Planning Board, if applicable.

6. Zoning Board meeting, generally the third and fourth Wednesday of each month. You will be advised in writing as to which meeting to attend.

7. Following the meeting, you will be provided with a copy of the resolution stating the Board's decision on your application. If your application was approved, the next likely step is a Building Permit. Final plans/drawings must be provided for the next phase of review. If your application was denied your project cannot proceed as submitted.

## DOCUMENTATION REQUIREMENTS:

Please submit **1 original** and **14 copies** of the completed application package to include:

- **Completed Application:** pages 1-9 completed, signed & dated
- **Pre-Submission Meeting Notes**: signed by staff
- **Denial Letter:** from the Zoning Administrator
- **Waiver Request**: any request for a waiver from the applicant regarding submission requirements.
- **Copy of Deed**
- **Survey:** stamped, dated & signed
- **Fee**

## ZONING STAFF & CONTACT INFORMATION

| | |
|---|---|
| Craig Brown, Zoning Administrator | craigb@queensbury.net |
| Laura Moore, Land Use Planner | lauram@queensbury.net |
| Sue Hemingway, Office Specialist | (518) 761-8238 |

Visit our website at www.queensbury.net for further information and forms.

## COMPLIANCE WITH ZONING ORDINANCE

1) The Statutes describe a Use Variance to mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

2) In deciding a request for a Use Variance the Zoning Board of Appeals [ZBA] may not grant a Use Variance without a showing by the applicant that the applicable zoning regulations and restrictions have caused an unnecessary hardship. In order to prove such hardship, the applicant must prove for each and every use permitted under the regulations for the applicable zoning district that:

    a. The applicant cannot realize a reasonable return, provided that return is substantial as demonstrated by competent financial evidence.
    b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.
    c. That the requested Use Variance, if granted will not alter the essential character of the neighborhood
    d. That the alleged hardship has not been self created.

# General Information

Tax Parcel ID Number: _____

Zoning District: _____

Detailed Description of Project [includes current & proposed use]:

_____

_____

_____

Location of project:

_____

_____

| | | | |
|---|---|---|---|
| **Applicant Name:** | | Address: | |
| Home Phone | | Cell: | |
| Work Phone | | Fax | |
| E-Mail: | | | |
| | | | |
| **Agent's Name:** | | Address: | |
| Home Phone | | Cell: | |
| Work Phone | | Fax | |
| E-mail | | | |
| | | | |
| **Owner's Name** | | Address | |
| Home Phone | | Cell | |
| Work Phone | | Fax | |
| E-mail | | | |

## Site Development Data

| Area / Type | Existing sq. ft. | Proposed Addition sq. ft. | Total sq. ft. |
|---|---|---|---|
| A. Building footprint | | | |
| B. Detached Garage | | | |
| C. Accessory Structure(s) | | | |
| D. Paved, gravel or other hard surfaced area | | | |
| E. Porches / Decks | | | |
| F. Other | | | |
| G. Total Non-Permeable [Add A-F] | | | |
| H. Parcel Area [43,560 sq. ft. / acre] | | | |
| I. Percentage of Impermeable Area of Site [I=G/H] | | | |

## Setback Requirements

| Area | Required | Existing | Proposed |
|---|---|---|---|
| Front [1] | | | |
| Front [2] | | | |
| Shoreline | | | |
| Side Yard [1] | | | |
| Side Yard [2] | | | |
| Rear Yard [1] | | | |
| Rear Yard [2] | | | |
| Travel Corridor | | | |
| Height [max] | | | |
| Permeability | | | |
| No. of parking spaces | | | |

# Additional Project Information

1. Will the proposal require a Septic Variance from the Town Board of Health? _____
2. If the parcel has previous approvals, list application number(s): _____
3. Does this project require coverage under the NYS DEC Stormwater Pollution Prevention Program?

   _____
4. Estimated project duration: Start Date _____ End Date _____
5. Estimated total cost of project: _____
6. Total area of land disturbance for project: _____

**The following information is needed by the Zoning Board of Appeals and reflects the criteria for granting a Use Variance. Please respond to each item; use additional sheets if needed:**

1. The applicant cannot realize a reasonable return, provided that return is substantial as demonstrated by competent financial evidence.

   _____

   _____

2. 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

   _____

   _____

4. That the alleged hardship has not been self created.

   _____

   _____

**Please take note**:

- Responses to items 1-4, above, must be provided for review by the Zoning Board of Appeals.
- New York State Town Law 267-b requires that the Zoning Board of Appeals deny the variance - if any one, or more of the factors listed above is NOT PROVEN.

***Submittal of a stamped and signed SURVEY MAP*** depicting existing and proposed conditions shall include the items as noted below.

| A. | GENERAL | SHOWN ON SHEET # |
|---|---|---|
| 1 | Title, Name, Address of applicant & person responsible for preparation of drawing | |
| 2 | Deed | |
| 3 | North arrow, Tax Map ID, date prepared and scale [minimum 1In. = 40 ft.] | |
| 4 | Boundaries of the property plotted to scale, zoning boundary | |
| 5 | Principal structures, accessory structures with exterior dimensions | |
| 6 | Site improvements incl. outdoor storage areas, driveways, parking areas, etc.: **existing & proposed** | |
| 7 | Setbacks for all structures and improvements: **existing & proposed** | |
| 8 | Elevations and floor plans of all proposed and affected structures | |
| **B.** | **WATER & SEWER** | **SHOWN ON SHEET #** |
| 1 | Project sewage disposal facilities, design details, construction details, flow rates, and number of bedrooms proposed | |
| 2 | Water supply [i.e. well] & septic on adjoining lots with separation distances to existing or proposed on-site water supply and septic | |
| 3 | Separation distances for proposed sewage disposal system to well and water bodies | |
| 4 | Existing public or private water supply [well, lake, etc.]. Method of securing public or private water, location, design and construction of water supply including daily water usage | |
| 5 | Percolation test location and results | |
| **C.** | **PARKING / PERMEABLE AREAS** | **SHOWN ON SHEET #** |
| 1 | Number of spaces required for project including calculations and justification: **existing & proposed** | |
| 2 | No. of existing parking spaces, number to be removed, number to maintain and type of surfacing material [e.g., gravel, paved] | |
| 3 | Provision for pedestrian and handicap access and parking: **existing & proposed** | |
| 4 | Design details of ingress, egress, loading areas and cutting: **existing & proposed** | |
| 5 | Location and character of green areas [existing and proposed], modification to green area, buffer zone to remain undisturbed | |
| 6 | Lighting, location and design of all existing and proposed outdoor lighting | |
| **D.** | **ADDITIONAL SITE DEVELOPMENT AND MISCELLANEOUS** | **SHOWN ON SHEET #** |
| 1 | On-site & adjacent watercourses, streams, rivers, lake and wetlands | |
| 2 | Utility /energy distribution system [gas, electric, solar, telephone]: **existing & proposed** | |
| 3 | Location, design and construction details of all existing and proposed site improvements including: drains, culverts, retaining walls, fences, fire & emergency zones and hydrants, etc. | |
| 4 | Square footage of bldg. area proposed for office, manufacturing, retail sales or other commercial activities: **existing & proposed** | |
| e | Signage: Location, size, type, design and setback: **existing & proposed** | |
| f | Waiver Request: provide letter with application requesting any waivers: **please reference specific items** | |
| g | Commercial/Industrial Development requires submission of Landscaping, Stormwater Management, Grading & Lighting Plans | |
| h | Identification of Federal, State or County permits required for the project together with a record of application for all necessary permits | |

*Pre-Submission Conference Form [179-4-040]*

1. *Tax Map ID* _____
2. *Zoning Classification* _____
3. *Reason for Review:* _____
4. *Zoning Section #:* _____
5. *Pre-Submission Meeting Notes; Outstanding Items To Be Addressed Include:*

| | | |
|---|---|---|
| Deed | ____ Yes | ____ No |
| Compliance with Zoning Ordinance | ____ Yes | ____ No |
| General Information complete | ____ Yes | ____ No |
| Site Development Data Complete | ____ Yes | ____ No |
| Setback Requirements Complete | ____ Yes | ____ No |
| Additional Project Information Complete | ____ Yes | ____ No |
| Checklist items addressed | ____ Yes | ____ No |
| Environmental Form completed | ____ Yes | ____ No |
| Signature Page completed | ____ Yes | ____ No |

Staff Representative: _____

Applicant / Agent: _____

Date: _____

*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.

| **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:<br>E-Mail: | | |
| Address: | | | |
| City/PO: | State: | Zip Code: | |

| | NO | YES |
|---|---|---|
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>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 governmental Agency?<br>If Yes, list agency(s) name and permit or approval: | NO | 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.
□ Urban □ Rural (non-agriculture) □ Industrial □ Commercial □ Residential (suburban)
□ Forest □ Agriculture □ Aquatic □ Other (specify): _____
□ Parkland

| | NO | YES | N/A |
|---|---|---|---|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations? | | | |
| b. Consistent with the adopted comprehensive plan? | | | |

| | NO | YES |
|---|---|---|
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? | | |

| | NO | YES |
|---|---|---|
| 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 | YES |
|---|---|---|
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels? | | |
| b. Are public transportation service(s) available at or near the site of the proposed action? | | |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action? | | |

| | NO | YES |
|---|---|---|
| 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 | YES |
|---|---|---|
| 10. Will the proposed action connect to an existing public/private water supply?<br>If Yes, does the existing system have capacity to provide service? ☐ NO ☐ YES<br>If No, describe method for providing potable water: _____ | | |

| | NO | YES |
|---|---|---|
| 11. Will the proposed action connect to existing wastewater utilities?<br>If Yes, does the existing system have capacity to provide service? ☐ NO ☐ YES<br>If No, describe method for providing wastewater treatment: _____ | | |

| | NO | YES |
|---|---|---|
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? | | |
| b. Is the proposed action located in an archeological sensitive area? | | |

| | NO | YES |
|---|---|---|
| 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? | | |
| 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: _____ | | |

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☐ Suburban

| | NO | YES |
|---|---|---|
| 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 | YES |
|---|---|---|
| 16. Is the project site located in the 100 year flood plain? | | |

| | NO | YES |
|---|---|---|
| 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? ☐ NO ☐ YES | | |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: ☐ NO ☐ YES | | |

| | NO | YES |
|---|---|---|
| 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: _____ | | |
| 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: _____ | | |
| 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: _____ | | |

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: _____ Date: _____

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? | | |
| 2. Will the proposed action result in a change in the use or intensity of use of land? | | |
| 3. Will the proposed action impair the character or quality of the existing community? | | |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? | | |
| 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? | | |
| 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? | | |
| 7. Will the proposed action impact existing:<br>a. public / private water supplies? | | |
| b. public / private wastewater treatment utilities? | | |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | | |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | | |

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

**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.

☐ 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.

☐ 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.

| | |
|---|---|
| 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) |

# Signature Page

This page includes the **1.)** Authorization to Act as Agent Form: **2.)** Engineering Fee Disclosure; **3.)** Authorization for Site Visits; **4.)** Other Permit Responsibilities; **5.)** Official Meeting Disclosure and **6.)** Agreement to provide documentation required.

**OWNER'S AGENT FORM:**

Complete the following if the **OWNER** of the property is not the same as the applicant

Owner: _____

Designates: _____

As agent regarding: _____ Variance _____ Site Plan _____ Subdivision
For Tax Map No.: _____ Section _____ Block _____ Lot
Deed Reference: _____ Book _____ Page _____ Date

**OWNER SIGNATURE:** _____ **DATE:** _____

**APPLICANT'S AGENT FORM:**

Complete the following **if** the **APPLICANT** is unable to attend the meeting or wishes to be represented by another party:

Owner: _____

Designates: _____

As agent regarding: _____ Variance _____ Site Plan _____ Subdivision
For Tax Map No.: _____ Section _____ Block _____ Lot
Deed Reference: _____ Book _____ Page _____ Date

**OWNER SIGNATURE:** _____ **DATE:** _____

**2.) ENGINEERING FEE DISCLOSURE**: Applications may be referred to the Town consulting engineer for review of septic design, storm drainage, etc. as determined by the Zoning or Planning Department. Fees for engineering review services will be charged directly to the applicant. Fees for engineering review will not exceed $ 1,000 without notification to the applicant.

**3.) AUTHORIZATION FOR SITE VISITS:** By signing this page and submitting the application materials attached herein, the Owner, Applicant, and his/her/their agent(s) hereby authorize the Zoning Board or Planning Board and Town Staff to enter the subject properties for the purpose of reviewing the application submitted.

**4.) OTHER PERMIT RESPONSIBILITIES:** Other permits may be required for construction or alteration activity subsequent to approval by the Zoning Board or Planning Board. It is the applicant's responsibility to obtain any additional permits.

**5.) OFFICIAL MEETING MINUTES DISCLOSURE**: It is the practice of the Community Development Department to have a designated stenographer tape record the proceedings of meetings resulting from application, and minutes transcribed from those tapes constitutes the official record of all proceedings.

**6.) AGREEMENT TO PROVIDE DOCUMENTATION REQUIRED**: I, the undersigned, have thoroughly read and understand the instructions for submission and agree to the submission requirements, I acknowledge no construction activities shall be commenced prior to issuance of a valid permit. I certify that the application, plans and supporting materials are a true and complete statement/description of the existing conditions and the work proposed, and that all work will be performed in accordance with the approved plans and in conformance with local zoning regulations. I acknowledge that prior to occupying the facilities proposed, I or my agents, will obtain a certificate of occupancy as necessary. I also understand that I/we may be required to provide an as-built survey by a licensed land surveyor of all newly constructed facilities prior to issuance of a certificate of occupancy

I have read and agree to the above.

| | | |
|---|---|---|
| Signature [Applicant] | Print Name [Applicant] | Date signed |
| Signature [Agent] | Print Name [Agent] | Date signed |