Town of Clifton Park
Zoning Board of Appeals

One Town Hall Plaza | Clifton Park, New York 12065 | (518) 371-6702 | FAX: (518) 383-2668
Building & Development building@cliftonpark.org

AREA VARIANCE APPLICATIONS

(1) An appeal to the Zoning Board of Appeals for administrative review or variance shall be made to the Zoning Enforcement Officer. The Zoning Enforcement Officer shall forthwith transmit to the Board of Appeals all papers constituting the record upon which the action appealed from was taken.

(2) The Application

-- ALL attached forms must be completed.

A. The first page of the variance application packet is similar to a building permit application that will, as part of the variance process, be denied. The reason for the denial will be determined and noted by the Zoning Enforcement Officer and the packets will then be forwarded to the Zoning Board of Appeals.

B. NAMES and addresses of all current ADJACENT/adjointing/abutting property owners must be provided at time of submission. Failure to provide these names will result in unnecessary delay.

C. The applicant shall provide THIRTEEN (13) SEPARATE COLLATED PACKETS, each containing completed copies of ALL FORMS in this application packet, along with plot plans or site plans, and any accompanying documentation or narrative.

(3) Prior to taking action on an application, the Zoning Board shall refer all applications for properties which fall under Section 239-m of the General Municipal Law to the County Planning Board for a determination. Generally, these would include properties within 500 feet of a town boundary, a county or state park or other recreational area, thruway or other controlled-access highway or right-of-way, or any county-or state-owned land in which a public building or institution is situated. Applicant should be aware that the County Planning Board meets once a month and this may cause a delay in scheduling the application for the Zoning Board agenda.

(4) When the application is placed on the Zoning Board agenda, the Secretary of the Zoning Board will notify the applicant of the date and time.

(5) FEES: Payable at time of submission -- $150.00 residential applications

$300.00 commercial applications

Updated 2/2016
APPLICATION FOR PERMIT REQUIRING REVIEW BY ZONING BOARD OF APPEALS

APPLICATION IS HEREBY MADE to the Building Department for the issuance of a Building Permit and Zoning Permit pursuant to the New York State Uniform Fire Prevention and Building Code for the construction of buildings, additions or alterations, or for removal or demolition, as herein described.

Applicant’s Name ________________________________
Address ______________________________________
________________________________ Zip ______
Phone ___________________ or ___________________
Property Location ____________________________________________

EXISTING Use ____________________________________________
EXISTING Zoning Classification ____________________________
Lot Size ______ Area ______________________________
EXISTING Building Size _________________________________

CURRENT
Frontage __________ Ft
Front Yard Depth _______ Ft
Right Side Yard Width _______ Ft
Left Side Yard Width _______ Ft
Rear Yard Depth _______ Ft
Building Height _______ Ft Stories

ADJACENT PROPERTY OWNER NAMES (not addresses): Failure to provide names will result in unnecessary delay
North ______________________________________
South ______________________________________

PROJECT DESCRIPTION (Briefly describe the proposal):
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

FEE: ______________________ payable to Town of Clifton Park

X ___________________ Signature of Owner, Applicant or Agent

(To be completed by Agency)
This application is hereby disapproved and forwarded to the Zoning Board of Appeals for the reason(s) cited below:
__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

Dated: ______________________ X ____________ Zoning Enforcement Officer

Updated 2/2016
AREA VARIANCE APPLICATION

1. PERMIT No. ____________________________________________ Property Location: __________________________ Street Address __________________________ Date __________ /2015

2. Project Description (Briefly describe the proposal)


3. AREA VARIANCE (NOTE—In making its determination, the Zoning Board of Appeals will have to consider the benefit conferred if the application is granted, and then weigh that benefit against any detriment to the health, safety and welfare of the neighborhood or community by such grant. In making its determination, the Zoning Board of Appeals will weigh the factors you describe in this section (A through E below). The application requires the Board to take into consideration the benefit to be conferred to you, the applicant, and to weigh that benefit against the detriment to the health, safety and welfare of the neighborhood. Explain, using the five factors below, why the benefit to you will not be outweighed by the detriment to the community or neighborhood: (If more space is needed, please attach extra sheets to this form)

A. 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;


B. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
C. Whether the requested area variance is substantial;

D. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

E. Whether the alleged difficulty was self-created. (Note, this consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

4. The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

5. **APPLICANT CERTIFICATION**
I hereby depose and say that all of the above statements and the statements contained in the attached submission are true to the best of my knowledge and belief.

_________________________
Clearly Print Applicant’s Name

_________________________
Applicant Signature

Sworn to before me this __________ day of ______________ 20__.

_________________________
Notary Public Signature

Updated 2/2016
AGRICULTURAL DATA STATEMENT AND CONTROL FORM

Town of __________________________________ Tax Parcel No. ____________________________

Consolidated Agricultural District No. 1 or 2 (circle) Street Name ____________________________

NOTE: Section 283-a of the Town Law (effective July 1, 1993) requires that any application for a Special Permit, Site Plan Approval, Use Variance or Subdivision Approval on property within an Agricultural District containing a farm operation, OR on property with boundaries within five hundred (500) feet of a farm operation that is located in an Agricultural District, include an Agricultural Data Statement. ALL applications requiring an Agricultural Data Statement must be referred to the Saratoga County Planning Board in accordance with amended section 239-m and 239-n of the General Municipal Law (effective July 1, 1993).

Part I: Agricultural Data Statement

Name of Applicant _________________________________________________________________

Mailing Address _________________________________________________________________

Description of Project ___________________________________________________________

_____________________________________________________________________________

_____________________________________________________________________________

_____________________________________________________________________________

_____________________________________________________________________________

Names and addresses of those owners of land within Consolidated Agricultural District No. _____ that contain farm operations AND are located within five hundred (500) feet of the project property:

1. ____________________________________________________

2. ____________________________________________________

3. ____________________________________________________

4. ____________________________________________________

5. ____________________________________________________

Attach to this form a copy of a tax map showing the site of the proposed project relative to the locations of farm operations identified above. Farm Operations are defined as “...the land used in agricultural production, farm buildings, equipment and farm residential buildings” according to Section 301, Article 25 AA of the Agricultural and Markets Law.
Part II: Submission and Evaluation (to be completed by Municipal Review Agency)

Type of Submission (Check appropriate type)

Use Variance ___ Special Use Permit ___ Site Plan Review ___ Subdivision Review ___

Municipal Review Authority (Check appropriate agency)

Zoning Board of Appeals ___ Planning Board ___ Town Board ___

Part III: Notice Provision (to be completed by Municipal Review Agency)

Consistent with Section 283-a(3) of the Town Law, written notice of the application described in Part I has been provided to the owners of land identified in the Agricultural Data Statement.

Date Notice Mailed __________________________

Part IV: Notice to County Planning Board (to be completed by Municipal Review Agency)

Consistent with Section 283-a(5) of the Town Law, the Clerk of the Municipal Review Authority identified in Part II must refer all applications requiring an Agricultural Data Statement to the County Planning Board.

Date Referred to County Planning Board __________________________

Use Agricultural Data Statement Referral Form

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NOTICE

Regarding Disclosure Notice to Prospective Purchasers

As of July 1, 1999:

1. **When any purchase and sale contract is presented** for the sale, purchase, or exchange of real property located partially or wholly within an agricultural district, the prospective grantor shall present to the prospective grantee a disclosure notice which states the following:

   "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

1a. Such disclosure notice shall be signed by the prospective grantor and grantee prior to the sale, purchase or exchange of such real property.

2. Receipt of such disclosure notice shall be recorded on a property transfer report form prescribed by the state board of real property services as provided for in section three hundred thirty-three of the real property law.
**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.

<table>
<thead>
<tr>
<th>Part 1 - Project and Sponsor Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name of Action or Project:</strong></td>
</tr>
<tr>
<td><strong>Project Location (describe, and attach a location map):</strong></td>
</tr>
<tr>
<td><strong>Brief Description of Proposed Action:</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Name of Applicant or Sponsor:</strong></th>
<th><strong>Telephone:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th><strong>Address:</strong></th>
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</thead>
</table>

<table>
<thead>
<tr>
<th><strong>City/PO:</strong></th>
<th><strong>State:</strong></th>
<th><strong>Zip Code:</strong></th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?  
   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.  
   **NO** | **YES** |

2. Does the proposed action require a permit, approval or funding from any other governmental Agency?  
   If Yes, list agency(s) name and permit or approval:  
   **NO** | **YES** |

3. a. Total acreage of the site of the proposed action?  
   b. Total acreage to be physically disturbed?  
   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

Page 1 of 4
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
   | NO | YES | N/A |
   |    |    |     |
   b. Consistent with the adopted comprehensive plan?  
   |    |    |     |

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?  
   If Yes, identify:  
   | NO | YES |
   |    |     |

8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
   | NO | YES |
   |    |     |
   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?  
   |    |    |     |

9. Does the proposed action meet or exceed the state energy code requirements?  
   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?  
    If No, describe method for providing potable water:  
    | NO | YES |
    |    |     |

11. Will the proposed action connect to existing wastewater utilities?  
    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?  
    | NO | YES |
    |    |     |
    b. Is the proposed action located in an archeological sensitive area?  
    |    |    |     |

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?  
    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  

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?  
    If Yes,  
    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)?  
       If Yes, briefly describe:  
       | 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)?
   If Yes, explain purpose and size: ________________________________
   NO 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: ____________________________________________
   NO 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: ____________________________________________
   NO YES

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?”

<table>
<thead>
<tr>
<th>Question</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2. Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>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?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>7. Will the proposed action impact existing:</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>a. public / private water supplies?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b. public / private wastewater treatment utilities?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Number</td>
<td>Question</td>
<td>No, or small impact may occur</td>
</tr>
<tr>
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</tr>
<tr>
<td>10.</td>
<td>Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</td>
<td>☐</td>
</tr>
<tr>
<td>11.</td>
<td>Will the proposed action create a hazard to environmental resources or human health?</td>
<td>☐</td>
</tr>
</tbody>
</table>

**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.

<table>
<thead>
<tr>
<th>Name of Lead Agency</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print or Type Name of Responsible Officer in Lead Agency</td>
<td>Title of Responsible Officer</td>
</tr>
<tr>
<td>Signature of Responsible Officer in Lead Agency</td>
<td>Signature of Preparer (if different from Responsible Officer)</td>
</tr>
</tbody>
</table>
AUTHORIZATION FOR ZONING VARIANCE REVIEW

The undersigned, ____________________________, who is the owner □ or contract vendee □
(Print Name)
(please check one)
of the premises known as ______________________________________, and identified as Tax
Map #____________________, hereby authorizes __________________________________ to
bring the application herein before the Zoning Board of the Town of Clifton Park for review of a
proposed variance approval.

The undersigned further permits the Town or its authorized representative access to the property to
review existing site conditions during the review process.

STATE OF NEW YORK       )
COUNTY OF SARATOGA       )SS.

On this _____ day of ____________________, Two Thousand and ____, before me, the subscriber,
personally appeared ____________________________________________ to me
personally known and known to me to be the same person described in and who executed the within
Instrument, and (s)he acknowledged to me that (s)he executed the same.

X ____________________________       X ____________________________
Owner/Contract Vendee             Notary Public

Updated 9/2015