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

Procedure for USE 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.

Please NOTE: Names (not addresses) of current ADJACENT PROPERTY OWNERS must be printed clearly on the appropriate section of the application. This is separate and distinct from the notification requirements in item #2 below. Failure to provide these names will result in unnecessary delay.

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 narratives. Blank or missing forms will result in rejection of your application.

(2) NOTIFICATION REQUIREMENTS (Separate and distinct from adjacent property owner NOTE above.)

At the time of submission, the applicant shall submit (1) a reproduced copy of the tax map depicting the parcel(s) of land in question and all lands within five hundred (500) feet, (2) a schedule of the names and addresses of the property owners within five hundred (500) feet from the perimeter of the parcel(s) in question as ascertained from the office of the Town Assessor, and (3) satisfactory proof that the property owners within five hundred (500) feet of the perimeter of the parcel(s) have been notified in writing of the nature of the request for a use variance. Prior to the time of the hearing, the applicant must file with the Secretary of the Zoning Board evidence of mailing by certified or registered mail.

Please include in your notification letter the location of your project and a brief description of what you hope to do. DO NOT include the meeting date at which your project will be reviewed by the Zoning Board.

Notification shall include the following written statement: “An application for a use variance for lands within five hundred (500) feet of your property is being proposed. The permit application will be filed with the Building Department of the Town of Clifton Park and may be reviewed by you during normal business hours at the Town Hall. Please call the Building Department at 371-6702 if you have any questions about the procedures to review this application and the process for consideration of the proposal.”

(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. **Applicants 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. **Proof of 500’ notice mailing (certified mailing receipts) will be required from applicant prior to being placed on the agenda.**

(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.

<table>
<thead>
<tr>
<th>Applicant’s Name</th>
<th>Owner’s Name</th>
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<td>Address</td>
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<td>Phone</td>
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<tr>
<td>Property Location</td>
<td>See Block</td>
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<td></td>
<td>Lot</td>
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</table>

EXISTING Use

EXISTING Zoning Classification

Lot Size

EXISTING Building Size

INTENDED Use/Describe

<table>
<thead>
<tr>
<th>CURRENT</th>
<th>INTENDED</th>
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<tbody>
<tr>
<td>Frontage Ft</td>
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<tr>
<td>Front Yard Depth Ft</td>
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<td>Right Side Yard Width Ft</td>
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<td>Left Side Yard Width Ft</td>
<td>Left Side Yard Width Ft</td>
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<tr>
<td>Rear Yard Depth Ft</td>
<td>Rear Yard Depth Ft</td>
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<tr>
<td>Building Height Ft</td>
<td>Building Height Ft</td>
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<tr>
<td>Stories</td>
<td>Stories</td>
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</table>

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

Clearly Print Name of Owner, Applicant or Agent: __________________

Signature of Owner, Applicant or Agent: __________________

X

(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
USE VARIANCE APPLICATION

PERMIT No. ____________________ Property Location: ____________________ /2015
Assigned by Building Dept. Street Address Date

1. Project Description (Briefly describe the proposal)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

2. **USE VARIANCE**. The Zoning Board of Appeals is without authority to issue a Use Variance unless the applicant can demonstrate that all four of the criteria below are met.) Accordingly, the Applicant for a Use Variance must satisfactorily demonstrate the following:
(If more space is needed please attach extra sheets to this form)

A. The applicant must show a hardship is suffered because of the zoning regulations; that the property cannot be put to a currently permitted use that will provide a "reasonable" return under normal conditions. (Proof of a more profitable return if the variance is granted is not in itself evidence of hardship.) **NO REASONABLE RETURN** is possible under current zoning because:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

B. The applicant must show that the perceived hardship is the result of a zoning circumstance peculiar to the specific parcel under consideration. (If the hardship is the result of improper zoning and is shared by others, it cannot be relieved by a variance.) The plight of the owner is due to **UNIQUE CIRCUMSTANCES** because:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Updated 2/2016
USE VARIANCE APPLICATION
Continued

C. The modifications must not materially change the essential character or quality of the neighborhood. The applicant must show that the modifications or use to be authorized will not alter the essential character of the locality because:

______________________________________________________________

______________________________________________________________

______________________________________________________________

D. The Zoning Board of Appeals cannot grant a Use Variance where an unnecessary hardship has been self-created or where the applicant acquired the property knowing of the existence of certain conditions which are now the basis for the Use Variance application. (State briefly why your hardship is not self-created).

______________________________________________________________

______________________________________________________________

______________________________________________________________

3. 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
AGRICULTURAL DATA STATEMENT AND CONTROL FORM

Town of __________________________ Tax Parcel No. __________________________

Consolidated Agricultural District No. 1 or 2 Street Name __________________________

(circle)

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.
# 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

<table>
<thead>
<tr>
<th>Name of Action or Project:</th>
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<tr>
<th>Project Location (describe, and attach a location map):</th>
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<tr>
<th>Brief Description of Proposed Action:</th>
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<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Telephone:</th>
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<tr>
<th>City/PO:</th>
<th>State:</th>
<th>Zip Code:</th>
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</table>

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 governmental Agency? [ ] NO [ ] YES

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

3.a. Total acreage of the site of the proposed action? [ ] blank acres

b. Total acreage to be physically disturbed? [ ] blank acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? [ ] blank 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

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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:  

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:  

10. Will the proposed action connect to an existing public/private water supply? | NO | YES  
    If No, describe method for providing potable water:  

11. Will the proposed action connect to existing wastewater utilities? | NO | YES  
    If No, describe method for providing wastewater treatment:  

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: ____________________________________________

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**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>
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<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>
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<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>□</td>
<td>□</td>
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<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>
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<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>
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<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>
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<tr>
<td>7. Will the proposed action impact existing: a. public / private water supplies?</td>
<td>□</td>
<td>□</td>
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<tr>
<td>b. public / private wastewater treatment utilities?</td>
<td>□</td>
<td>□</td>
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<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>
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<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>
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</tbody>
</table>
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)

PRINT
AUTHORIZATION FOR ZONING VARIANCE REVIEW

The undersigned, _____________________________________, who is the owner □ or contract vendee □ (please check one)
(Print Name)
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