



ZONING BOARD OF APPEALS APPLICATION

Town of Malta
Department of Building and Planning
2540 Route 9, Malta, NY 12020
(518) 899-2685

Instructions

These requirements shall be strictly enforced. Failure to comply will result in a denial or delay in the hearing of your appeal. Read all the requirements carefully and if you have any questions contact the Department of Building and Planning. See the attached meeting schedule for application deadlines.

This application must be complete, legible (printed or typed), and signed by the property owner. If the applicant is not the property owner, a notarized statement signed by the owner permitting the applicant to act on the owner's behalf must be submitted with the application.

You must submit a total of **twelve (12) collated hardcopies** of all the following materials, including the original copy, **and one electronic copy in PDF format.** Additional information may be requested as needed.

Materials to Be Submitted with All Applications

- ☐ **Completed application form** (last page of this packet only- keep all else for your records).
- ☐ **A current Survey Map** (within 2 years) showing all setbacks of the existing and proposed structures for all area and use variances. The survey map **must** show:
 - Lot size (acreage and SF), road frontage, tax map number, street address, and all property lines.
 - Location and total square footage of each building, and the distance of existing and proposed structures from the structure edge to the property lines.
 - Building setbacks according to zoning district (building envelope), and the zoning district bulk requirement table.
 - Sign setbacks if application is for an area variance relating to a sign.

All surveys shall bear the signature and stamp of a surveyor licensed to do business in the State of New York. Any alterations made to a survey map must be done by a NYS licensed Surveyor.

We will not accept surveys that have been drawn on by an applicant.

- ☐ **Site photographs** of the proposed project location/existing conditions
- ☐ **A narrative** that explains what is being proposed, why the approval should be considered, hardships involved and why this change will not be detrimental to the neighborhood and the Town.
- ☐ **Proof of ownership** of the property (a copy of the deed)
- ☐ **A list of names and addresses** (obtainable in the Assessor's office) of all abutting property owners, including those across the street, for the purposes of notifying neighbors that a public hearing will be held. The Building & Planning Department is not responsible for the accuracy of this list.
- ☐ **Completed Short Environmental Assessment Form.**
- ☐ **Application fee.** The application fee for an area/use variance is \$768.00 plus any necessary engineering or legal fees incurred. The application fee for an interpretation is \$512.00. All additional amounts owed for engineering or legal shall be paid by the applicant to the Town of Malta within thirty days of the applicant being billed by the Town.

Please Note

- If a property sale is contingent upon the granting of the requested action, a copy of the sales document should be presented at the meeting.
- Additional information related to archaeological sensitivity, floodplains, historic sites, and wetlands may be required. See attached.
- Incomplete applications will not be processed until all required materials have been received.



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Additional Requirements

An application for a variance on lands with any of the below circumstances may require correspondence from the appropriate agency as part of the complete ZBA application. Staff and/or Board members may, at their discretion, require these features be shown on the survey submitted with the application.

Archaeological Sensitivity

Much of the Town of Malta is considered to be archaeologically sensitive. Disturbance of undeveloped land may require review by the Office of Parks, Recreation, and Historic Preservation (OPRHP).

Floodplains

Presence of floodplains can be determined using FEMA floodplain maps and the Saratoga County parcel viewer. NYS Building Code has specific requirements for building in a floodplain, please check with Town Code Enforcement to ensure you are designing for the right criteria.

Historic Structures

Changes to structures and features listed as historic on State or Federal registers require OPRHP review. Those listed as local landmarks require Malta Historic Preservation Review Commission (HPRC) review. Those listed as local landmarks as well as on State or Federal registers require separate approvals by OPRHP and HPRC.

Wetlands

Wetlands may be regulated by NYS Department of Conservation (DEC) or Army Corps of Engineers, or both. If wetlands are present or within 100 feet of proposed soil disturbing activities, tree cutting, or herbicide use, verification by the regulating agency must be obtained. A written determination is required as to which regulations apply and whether permits for the disturbance are required. Permits must be obtained prior to commencing work. To determine if wetlands are present, you may use the Saratoga County parcel viewer. Wetland verification may require a site visit by trained wetland delineators.

Helpful Links

OPRHP: 518-474-0456 or <https://parks.ny.gov/>

FEMA Map Service Center: <https://msc.fema.gov/portal>

Saratoga County parcel viewer: <https://spatial.vhb.com/SaratogaMapView/>



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Criteria for Issuing Use and Area Variances

The following has been prepared to assist property owners seeking a variance from the Malta Zoning Ordinance.

Article 16 of the Town Law states that the Zoning Board of Appeals may grant a variance where an applicant can show that “unnecessary hardships” or “practical difficulties” result from carrying out the strict letter of the zoning ordinance. Over the years, the courts have divided variances into two discrete parts – use variances and area variances. The “unnecessary hardships” test applies to use variances and the “practical difficulty” test applies to area variances. The test criteria for each type of variance are specifically listed in Town Law as discussed below.

Use Variance (Article 16, Section 267-b.2)

No use variance maybe granted by the Zoning Board of Appeals (ZBA) without a showing by the applicant that the zoning regulations have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant must demonstrate for each and every permitted use under the zoning regulations for the particular district where the property is located that;

- 1) The applicant cannot realize a reasonable return. The lack of return must be substantial as demonstrated by competent financial evidence;
- 2) The alleged hardship relating to the property in question is unique and does not apply to substantial portion of the district or neighborhood;
- 3) The requested used variance will not alter the essential character of the neighborhood, and
- 4) The alleged hardship has not been self-created.

Area Variance (Article 16, Section 267-b.3)

For an area variance, the applicant must demonstrate that:

- 1) No undesirable change in the character of the neighborhood or detriment to nearby properties will result;
- 2) Benefit sought by the applicant cannot be achieved by a feasible alternate method;
- 3) The requested area variance is not substantial;
- 4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- 5) The alleged difficulty was not self-created.

These five (5) factors shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.



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Meeting Schedule

Applications must be submitted by 4PM on the day of the deadline.

Note: Dates may change due to holidays or other conflicts.

Visit us at: www.townofmaltany.gov or call us at 518-899-2685 for the most up to date meeting schedule.

Application Deadline	Meeting Date
Friday, November 21, 2025	Tuesday, January 6, 2026
Friday, December 19, 2025	Tuesday, February 3, 2026
Friday, January 23, 2026	Tuesday, March 3, 2026
Friday, February 27, 2026	Tuesday, April 7, 2026
Friday, March 27, 2026	Tuesday, May 5, 2026
Friday, April 24, 2026	Tuesday, June 2, 2026
Friday, May 22, 2026	Tuesday, July 7, 2026
Friday, June 26, 2026	Tuesday, August 4, 2026
Friday, July 24, 2026	Wednesday, September 1, 2026
Friday, August 28, 2026	Tuesday, October 6, 2026
Friday, September 25, 2026	Wednesday, November 4, 2026
Friday, October 23, 2026	Tuesday, December 1, 2026
Friday, November 20, 2026	Tuesday, January 5, 2027



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Variance Request Form

APPLICANT:

Name _____
Address _____
Telephone _____ Email: _____

PROPERTY OWNER (if different):

Name: _____
Address: _____
Telephone: _____ Email: _____

LOCATION:

Street address: _____

ACTION DENIED:

Building permit _____ Use _____ Sign Permit _____
Renewal _____ Project/site plan _____ Subdivision _____
Other _____

DENIAL MADE PURSUANT TO CHAPTER & SECTION _____

TYPE OF ACTION REQUESTED:

Use variance _____ Area Variance _____ Sign Variance _____ Permit Renewal _____
Interpretation _____ Flood Variance _____ Form Based Code _____ Other _____

ZONING DISTRICT:

R1 _____ R3 _____ R4 _____ R5 _____ R6 _____ R8 _____
C2 _____ C3 _____ C4 _____ C5 _____ C6 _____ C7 _____ C8 _____
DN-4 _____ DC-4 _____ DX-3 _____ GC-3 _____ RA-3 _____ DA-2 _____ DP-2 _____
RA-2 _____ RD-2 _____ LC _____ PDD # _____

LOT INFORMATION:

Within 500ft of State/County Highway: YES (please specify) _____ / NO
Acres: _____ Square feet: _____
Frontage: _____ Wetlands: YES / NO
Flood Plain: YES / NO

SIGNATURE OF PROPERTY OWNER

Name (print): _____
Signature: _____
Date: _____

STAFF USE ONLY

Complete application: YES / NO