



Town of Day Zoning Board of Appeals

1650 North Shore Road, Hadley, NY 12835.

Telephone: 518-696-3789

Email: pzclerk@townofdaynewyork.gov

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USE VARIANCE APPLICATION

(Clerk's Office Use Only)

APPLICATION NO: _____ **DATE :** _____

FEE PAID: _____

Requirements, Fees and Instructions

The application must be filled out completely and in every respect with ALL questions answered and ALL required attachments before the Town can officially accept the application for processing. If the application is incomplete, it will be returned to you for completion or inclusion of the deficient information.

Use this application for any project seeking an Use Variance pursuant to the Town of Day Zoning Law and Village Law of the State of New York.

TO ENSURE TIMELY REVIEW OF YOUR APPLICATION PLEASE COMPLETE THIS FORM IN ITS ENTIRETY AND PROVIDE WITH THIS APPLICATION THE FOLLOWING DOCUMENTATION:

- **Copy of Deed**
- **Site Plan showing the following:**
 - Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;
 - north arrow, scale and date;
 - boundaries of the property plotted to scale;
 - existing watercourses, wetlands and floodplains;
 - existing and proposed contours;
 - location, current and proposed use and height of all buildings,
 - location, design and construction materials of all parking and truck loading (if applicable) areas, with access and egress drives thereto;
 - provision for pedestrian access (if applicable);
 - location of outdoor storage, if any;
 - location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
 - description of the method of sewage disposal and location of design and construction materials of such facilities;
 - description of the method of securing water and location, design and construction materials of such location;

- location of fire and other emergency zones (if applicable), and fire suppression means;
- location, design and construction materials of all energy distribution facilities, including electrical, gas and solar energy;
- location, size and design and construction materials of all proposed signage (if applicable);
- location and proposed development of all buffer areas, including indication of existing vegetative cover;
- location and design of outdoor lighting facilities;
- designation of the amount of building area proposed for retail sales or similar commercial activity (if applicable);
- general landscaping plan and planting schedule;
- Environmental Assessment Form Part 1;
- Survey showing all improvements and property features including but not limited to location, dimensions of property and improvements, land features including but not limited to streams (intermittent and otherwise), wetlands, water courses, wells, septic systems, rights of way, setbacks, location of existing improvements;
- Elevation drawings of all improvements with dimensions;
- Authorization of Agent (as applicable).

THE FOLLOWING SUBMISSIONS ARE REQUIRED:

- One (1) original signed set of this application and supporting documentation.
- Nine (9) copies of the application materials and all supporting documentation.
- Note that all maps and drawings shall be full sized scale drawings.
- Add 2 additional copies if the property is within 500 feet of a County or State Highway, Right-of-Way or Park, or Town Boundary.
- One (1) electronic copy via pdf emailed to pzclerk@townofdaynewyork.gov If you cannot submit electronically contact the code enforcement office before submitting your application.
- All application materials are due no later than the 15th day of the month the month prior to the meeting at which your application is requested to be heard at 12 noon. For example, application materials for a December meeting are due no later than the 15th day of November, etc. If the 15th falls on a Saturday, Sunday or legal holiday, the next business day is the filing deadline.
- If your application is tabled for any reason, all materials requested must be submitted by the above filing deadline unless the ZBA provides otherwise.

PLEASE NOTE THAT COMPLYING WITH THE APPROVALS OR THIS APPLICATION DOES NOT SATISFY ANY OTHER PERMITS REQUIRED FROM ANY OTHER REGULATORY AUTHORITY.

GENERAL INFORMATION

Project Location and Information

Number and Street Address: _____

Zoning District: _____

Tax Map Number: _____

Current Use of the Property/Building: _____

Property Owner Identification

☐ Owner is Applicant

Name: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

Contractor/Builder Identification ☐ Contractor is Applicant ☐ TBD

Name: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

Agent Identification

☐ Agent is Applicant

Name: _____

Address: _____

City, State, Zip: _____

Phone Number: _____

Description of proposed project:

What is the proposed use of the property that is currently not a permitted principal or accessory use, if any? _____

Total Parcel Area: _____ ac or sf

Are there any zoning violations or existing non-conforming conditions on the property?

☐ Yes ☐ No

If yes, please explain:

Is the lot or parcel for the project within 500 feet of a County or State Highway, Right-of-Way or Park, or Town Boundary? ☐ Yes ☐ No

If yes, please explain:

Is the lot or parcel for the project within a designated flood plain? ☐ Yes ☐ No

Is the property located in the Viewshed Protection Area of the Town of Day (see Section 4.6 of the Town of Day Zoning Law). ☐ Yes ☐ No

Is the lot or parcel for the project within an area known to contain threatened and/or endangered species to include plants or animals? ☐ Yes ☐ No

**Does the lot or parcel for the project consist of or contain designated wetlands?
☐ Yes ☐ No**

Is the lot or parcel for the project within close proximity to any designated or important historic properties or cultural resources? ☐ Yes ☐ No

Describe the current condition of the site [buildings, brush, woods, vacant, etc.]:

ZONING INFORMATION

Site Development Data

☐ Acres

☐ Sq. Ft.

	Area/Type	Existing	Proposed	Total
A.	Building Footprint			
B.	Detached Garage			
C.	Accessory Structure(s)			
D.	Paved, gravel or other hard surfaced areas			
E.	Porches/Decks/Patios			
F.	Lawn or Landscape Areas			
G.	Forested/Woods/Brush/Vegetated			

Lot, Yard and Height Regulations (Bulk Requirements) [See Zoning Law §4.3, 4.4]

Item	Required	Existing	Proposed
Lot Size (acres)			
Lot Width (ft)			
Lot Depth (ft)			
Front Yard (ft)			
Side Yard - One (ft)			
Side Yard - Both (ft)			
Rear Yard (ft)			
Accessory Structure Setback			
Stream Setback			
Shoreline Setback			
Max. Building Coverage			
Max. Building Height			
Green Space Buffer			
No. of Parking Spaces			
No. Loading Berths			

PROJECT DETAILS

☐ Commercial Project ☐ Residential Project

Type of Project:

- ☐ New Construction
- ☐ Building Addition
- ☐ Attached Garage
- ☐ Conversion/Change of Use
- ☐ Alteration/Modifications
- ☐ Repairs/Maintenance
- ☐ Misc./Equipment/Other: _____

UTILITIES

Electrical: ☐ Underground ☐ Overhead _____ amp service
Sewage Disposal: ☐ Onsite Septic **Date Installed:** _____
Potable Water: ☐ Private Well **Date Installed:** _____
Combustion Fuel: ☐ Fuel Oil ☐ Propane ☐ Natural Gas ☐ Other: _____

PERMITS/APPROVALS

Please specify what approvals or permits have been/will be obtained as a result of the project:

☐ Special Use Permit ☐ NYSDEC SPDES Permit-Stormwater
☐ Subdivision ☐ NYSDEC SPDES Permit-Wastewater
☐ Area Variance ☐ NYSDOH Potable Water Well
☐ NYSDOH Wastewater System ☐ Septic
☐ Other: _____ ☐ NYSDOH Realty Subdivision

Additional Comments:

Character/Uses of surrounding or adjacent lands:

Use Variance Criteria

*A Use Variance enables the applicant to utilize property for purposes which are not permitted by the Zoning Law. Applicant must prove "unnecessary hardship", to be proven as follows: That for **each and every permitted use under the zoning regulations for the particular district where the property is located:***

1. That the lack of return is substantial as demonstrated by competent financial evidence. Please provide financial information, details, data, or commentary as it relates to achieving a reasonable return on the property for the proposed project and use, as compared to permitted uses for the parcel (attach supplemental information as necessary).

2. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood. Please provide neighborhood or other district information, details, data, or commentary as it relates to the alleged hardship relating to the property, as compared to the surrounding area (attach supplemental information as necessary).

3. That the requested use variance, if granted, will not alter the essential character of the neighborhood. Please provide information, details, data, or commentary as it relates to the character of the neighborhood presently and, if granted, upon completion of the project and any changes which would result (attach supplemental information as necessary).

4. That the alleged hardship related to the property is not self-created. Please provide information, details, data, or commentary as it relates to whether the hardship is/was self-created (attach supplemental information as necessary).

Authorizations

Owner/Applicant: Complete the following if the Owner of the property is not the same as the Applicant, such as where a buyer is making application, etc.:

Owner Name: _____, designates _____

as Applicant regarding the foregoing application for the property set forth in the application.

Owner Signature: _____ Date: _____

Complete the following if the Applicant, including if Owner is Applicant, is unable to attend the meeting or otherwise wishes to appoint an Agent, such as a builder, engineer, architect, attorney or other individual. Complete for each Agent appointed.

Applicant Name: _____, designates _____

as Agent regarding the foregoing application for the property set forth in the application.

Applicant Signature: _____ Date: _____

The undersigned hereby state(s) that he/she/it has reviewed the foregoing application including all maps, plats, reports and other documentation supporting same, and that the information provided thereon is true and accurate. The undersigned specifically understands that the Zoning Board of Appeals (ZBA) will rely on the truth and sufficiency of the information provided and the undersigned agrees to indemnify, defend and hold the ZBA, its agents, employees and representatives harmless from any and all claims, suits, demands, losses, judgments or orders arising out of the inaccuracy of any of the information supplied by the undersigned or its agents.

The ZBA may employ consultants, legal counsel, professional engineers, and/or inspection services for their assistance and advice in the review of any application before it. The Applicant authorizes the ZBA as it deems necessary, to employ such assistance and agrees to reimburse the Town of Day for the amount of such review and assistance, which shall be estimated to and provided to the Applicant before incurrence of such cost. The ZBA shall have the authority to request a deposit from the Applicant for the cost and fees associated with consultants in advance of the review.

The undersigned authorizes the ZBA to visit the property subject to this application for purposes of review relative to this application.

If the Applicant is not the Owner, this application may be treated as if the owner himself/herself/itself submitted same.

The Applicant as noted on this application has Owner's permission to agree to conditions and to otherwise take such actions as are necessary to obtain the approval for the proposal requested herein.

Owner(s)/Applicant(s)	Date
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Owner(s)/Applicant(s)	Date
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