

Town of Lake George

20 Old Post Road

Lake George, NY 12845

Direct 518 668-5722 (x5)

Email: pzclerk@townoflakegeorge.gov

Use Variance Review Application

Review Process:

1. Schedule a meeting or call with the Director of Planning and Zoning for project determination.
 - A pre-submission meeting is **REQUIRED** before submitting your application and can be done digitally (via email). A meeting must be held **1 week** before deadline day.
2. **Submit Eleven (11) copies of your application (pages 3-8 completed), site plans, house plans, etc. by deadline day.**
 - Applications must consist of one (1) original application and ten (10) copies
 - Two copies of plans in large format (minimum scale 1" = 40.0') and nine 11x17 copies.
 - Floor plan and elevation plan of existing structure(s) and proposed structures.
 - Application fee payment must be submitted with your application (refer to fee schedule).
 - Deadline day for all applications is the 15th of every month. If that date falls on a Saturday, deadline day is the preceding Friday, if that date falls on a Sunday, deadline day is the following Monday.
3. We will review your submission. All necessary information must be submitted to be added to the agenda. Incomplete applications/submissions will not be considered for agenda placement. You will receive a notice when your application is added to the agenda.
4. The Zoning Board will review your application.
 - Zoning Board meetings are held on the first Wednesday of the month.
 - A notice will be sent to advise applicants of date and time for review.
 - Additional meetings may be held at the discretion of the Chairman
5. A resolution will be sent stating if the Board approved, denied, or tabled your application.
6. If approved, you will need to submit a Land Use and Development Permit and Warren County Building Permit. If denied, the project cannot proceed.
7. Application Fees: Residential - \$100.00
Commercial - \$250.00
Multi-Family Use - \$250.00
Planned Unit Development (PUD) - \$500.00
After the Fact Review - \$500.00

Planning and Zoning Staff:

Dan Barusch, Director of Planning and Zoning	dbarusch@townoflakegeorge.gov
Doug Frost, Code Compliance Officer	dfrost@townoflakegeorge.gov
Morgan Giuliano, Office Administrator	pzclerk@townoflakegeorge.gov

REQUESTED INFORMATION FOR USE VARIANCE APPLICATION

I understand that this application for a use variance shall consist of, but not be limited to the following, unless specifically waived by the Zoning Board of Appeals:

A. **Eleven copies** of the application & site plan drawn to scale, **to consist of 2 Engineer Drawings (large) and 9 reduced drawings to be 8-1/2X11” or 11X17” folded to 8-1/2X 11”**, to include the following: (the sketch plan may be deemed to be the final plan at the Zoning Board’s discretion).

1. Location map showing boundaries & dimensions of the parcel or tract of land involved, identification of contiguous properties, zoning districts, any easements or public right-of-ways and all features within five hundred feet of the site.
2. Existing features of the site including existing land and water area, existing buildings and any existing accessory structures, existing water supply systems and sewage systems located either on the parcel or on an immediate adjacent parcel and existing surface characteristics.
3. Delineation of proposed building location, identified variances requested, and arrangement of buildings of installation on the site, including parking area and means of ingress & egress.
4. Sketch of architectural plans of proposed building or structure including exterior dimensions and elevations of front, side and rear view.
5. Map of existing and proposed topography at a contour interval not to exceed five feet if required at the pre-submission meeting or by the Zoning Board.

B. Accompanying data (which will be required for any follow-up Site Plan Review by the Planning Board), to include the following:

1. Application for follow-up Site Plan Review and fee, if applicable.
2. Application & address for Land Use & Development Permit and fee.
3. Name and address of any licensed professional consultants.
4. Description of materials and methods of installation for any equipment or installation for which the permit is being sought.
5. Results of any required on-site investigations including soil test boring and percolation tests if applicable.
6. Site Plan map shall include north arrow, scale & date. Such additional information as the Zoning Board may reasonably require in assessing the proposed project.
7. A stormwater design plan – refer to the Zoning Ordinance (Article V Section 175-21) for requirements concerning minor or major projects.
8. The “dollars and cents” proof, identified on the pages at the end of the application.

Environmental Group Disclaimer

AS AN APPLICANT SUBMITTING AN APPLICATION TO THE TOWN OF LAKE GEORGE PLANNING OR ZONING BOARD OF APPEALS, PLEASE BE AWARE THAT YOU MAY BE CONTACTED BY A REPRESENTATIVE OF VARIOUS ENVIRONMENTAL PROTECTION GROUPS REGARDING YOUR APPLICATION. THESE ARE PRIVATE, NOT-FOR-PROFIT ORGANIZATIONS AND ARE NEITHER FEDERAL, STATE NOR LOCAL GOVERNMENTAL AGENCIES, NOR IS IT AFFILIATED WITH THE APA, LAKE GEORGE PARK COMMISSION OR THE TOWN OF LAKE GEORGE. THEREFORE, WHILE YOU ARE CERTAINLY FREE TO PROVIDE ANY INFORMATION TO THEM IF YOU WISH, YOU ARE NOT LEGALLY REQUIRED TO DO SO. THEY ARE NOT AUTHORIZED AGENTS OF THE TOWN OF LAKE GEORGE AND NO INQUIRY FROM THEM SHOULD BE CONSTRUED AS BEING MADE BY OR ON BEHALF OF THE TOWN OR WITH THE TOWN’S ENDORSEMENT OR AUTHORITY. ADDITIONALLY, IT IS COMMON FOR SUCH ENVIRONMENTAL GROUPS TO BOTH ATTEND AND SPEAK AT ZONING BOARD MEETINGS REGARDING THEIR COMMENTS ABOUT EACH PROJECT.

TOWN OF LAKE GEORGE

20 OLD POST ROAD
LAKE GEORGE, NY 12845

Tel No: 518-668-5722

Email address: pzclerk@townoflakegeorge.gov

DATE: _____

APPLICATION NO: _____

USE VARIANCE APPLICATION

11 COPIES OF THE APPLICATION, MAP TO SCALE & FEES MUST BE SUBMITTED BY THE 15TH OF THE MONTH, THE PRECEDING FRIDAY IF THE 15TH FALLS ON A SATURDAY AND THE FOLLOWING MONDAY IF THE 15TH FALLS ON A SUNDAY.

APPLICANT'S NAME: _____ PHONE NO: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____

EMAIL: _____

OWNER'S NAME: _____ PHONE NO: _____

(IF DIFFERENT)

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

EMAIL: _____

TAX MAP NO: _____ ZONING DISTRICT: _____

LOCATION OF PROPERTY:

PRESENT USE OF PROPERTY:

BRIEF DESCRIPTION OF PROJECT: _____

SEQRA REVIEW REQUIRED: (Yes) _____ (No) _____ Type 1 – Type 2 - Unlisted

OFFICE USE ONLY

Date: _____ Fee Amount: _____ Receipt Number: _____

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. = 1 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)			
Height (maximum)			
Permeability			
No. of parking spaces			

BRIEF DESCRIPTION OF VARIANCE SOUGHT: _____

USE VARIANCE REQUEST

(a) The Board of Appeals, on appeal from the decision or determination of the Zoning Officer, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this chapter.

(b) No use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that:

[1] Under applicable zoning regulations, the applicant cannot realize a reasonable return, provided that the lack of 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] The requested use variance, if granted, will not alter the essential character of the neighborhood.

[4] The alleged hardship has not been self-created.

(c) The Board of Appeals, in the granting of a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Imposition of conditions. The Board of Appeals shall, in the granting of an area variance, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property or the period of time such variance shall be in effect.

Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

This page includes the following: 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.

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 Boards. Fees for engineering review services will be charged directly to the applicant.

3. AUTHORIZATION FOR SITE VISITS: by signing this page and submitting the application materials attached here, the Owner, Applicant and his/hers/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.

AUTHORIZATION FORM

“TO ACT AS AGENT FOR”

I, _____ seller/owner of premises located at

_____ hereby designate:

(Property)

_____ to act as agent for this Use Variance application.

(Name)

Agent Information:

Name: _____

Phone: _____

Address: _____

Email: _____

OWNER'S SIGNATURE: _____ **Date:** _____

IF THIS AUTHORIZATION FORM IS NOT APPLICABLE, PLEASE SIGN AND DATE

SIGNATURE: _____ **DATE:** _____

PRESUBMISSION MEETING FORM

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 _____
General Information pages 1-3	Yes _____	No _____
Required Information page 4-6	Yes _____	No _____
Authorization Form (if needed)	Yes _____	No _____
Environmental Form (if needed)	Yes _____	No _____
Signature	Yes _____	No _____

Outstanding items:

Staff Representative: _____ Date: _____

Applicant/Agent: _____ Date: _____

REQUIRED USE VARIANCE REVIEW CHECKLIST

The Use Variance application must have the following materials before review by the Zoning Board. Check the corresponding box if the relevant material is provided in the application.

	Completed application Pages 3-6 (General Application and Project Info/Signatures)
	Completed application Page 7 (Pre-submission) as determined by Zoning Admin.
	Building Construction drawings including but not limited to floor plans, foundation plans, elevations (representing topography/grade), exterior renderings, and details, all to scale. Plans should include proposed colors and material descriptions.
	Formal Survey of the Property. If no formal survey exists, the Zoning Administrator may require one if the property/project site slope is greater than 10%.
	Site Plan / Plot plan accurately detailing location of proposed development on site with a scale, legend, title block and north arrow. The site plan should have items including but not limited to the following:
	A vicinity map showing location of the site in regards to the surrounding area
	Identification of contiguous properties and roadways
	Identification of any easements or rights-of-way on the property
	Topography and/or spot elevations (existing and post-development)
	Proposed limits of disturbance on the site
	Proposed erosion and sediment control measures/features
	Proposed Stormwater Design and Calculations (SCR if Major Project)
	Location of existing stormwater control features on the site
	Proposed Septic Design and Details (Including conformance shown)
	Location of existing septic if no new septic is proposed
	Soil Testing and Percolation Test locations and results
	Existing hydrology of the site (any streams, ponds, wetlands, lakeshore)
	Existing development, including buildings, accessory structures, drives
	Existing and proposed setbacks, including zoning setback envelope / table
	Existing and/or proposed electrical systems including subsurface lines
	Existing and/or proposed water wells or water supply infrastructure
	Existing and/or proposes shoreline amenities (docks, cribs, wharfs, etc.)
	Traffic/Circulation including driveways, parking areas, main egress/ingress, loading zones, Fire/EMS access provisions or pedestrian amenities
	Landscape or Planting Plan, or location of vegetation to be removed
	Lighting and/or Signage Plan
	Outdoor recreation, Green Space, or other passive land use on the site
	Photos of existing development on the site if the proposal is for redevelopment and/or additional development to existing development
	APA Materials. Submittal of the Jurisdictional Inquiry Form (JIF) submitted, if applicable, and the response thereto, received from the APA.
	SEQR Forms. Part 1 of a Short Form (if unlisted) or Long Form (if Type 1 action).
	State Forms. Any associated paperwork from DOH, DEC, OPRHP, ACOE, or DOT.