Town of Queensbury **Use Variance Application**

REVIEW PROCESS:

1. Required Pre-Submission meeting with staff to determine general completeness of application materials to be held no later than 1 week prior to deadline day. Call (518) 761-8238 or (518) 761-8265 for an appointment. **DO NOT MAKE COPIES UNTIL AFTER THIS MEETING WITH STAFF.**

2. Determination of application completeness. All necessary information must be provided and appropriate fee(s) paid for consideration for placement on an agenda.

3. Incomplete applications will not be considered for placement on any agenda until all missing information has been supplied.

4. Submittal to the Warren County Planning Board, if applicable.

5. Zoning Board meetings, generally the third and fourth Wednesday of each month. You will be advised in writing as to which meeting to attend.

6. Following the meeting, you will be provided with a copy of the resolution stating the Board's decision on your application. If your application was approved, the next likely step is a Building Permit. Final plans / drawings must be provided for the next phase of review. If your application was denied your project cannot proceed as submitted.

DOCUMENTS TO BE SUBMITTED: (HARD COPY & ELECTRONIC)

1 original and **14 copies** of the completed application package to include:

Completed Application: pages 1–9 completed, signed & dated

Pre-Submission Meeting Notes: signed by staff

Denial Letter: from the Zoning Administrator

Survey:

Current Survey: survey map depicting current conditions – sign, stamped, date by surveyor

Proposed Conditions Map: The proposed conditions map must be based on a current survey and may by prepared by Surveyor, Professional Engineer (Civil) or a Registered Architect.

Area / Sign Applications: must provide a final as-built survey depicting all site conditions and improvements

Survey Waiver: Applicant may request a waiver from the survey pre and post requirements.

Copy of Deed

Fee: $100

ZONING STAFF & CONTACT INFORMATION:

Craig Brown, Zoning Administrator craigb@queensbury.net

Laura Moore, Land Use Planner lmoore@queensbury.net

Karen Dwyre, Office Specialist karend@queensbury.net (518) 761-8238

Visit our website at www.queensbury.net for further information and forms.

COMPLIANCE WITH ZONING ORDINANCE

1) The Statutes describe a Use Variance to mean the authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

2) In deciding a request for a Use Variance the Zoning Board of Appeals [ZBA] may not grant a Use Variance without a showing by the applicant that the applicable zoning regulations and restrictions have caused an unnecessary hardship. In order to prove such hardship, the applicant must prove for each and every use permitted under the regulations for the applicable zoning district that:

    a. The applicant cannot realize a reasonable return, provided that return is substantial as demonstrated by competent financial evidence.

    b. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

    c. That the requested Use Variance, if granted will not alter the essential character of the neighborhood.

    d. That the alleged hardship has not been self-created.

General Information

Tax Parcel ID Number: _____

Zoning District: _____

Detailed Description of Project [includes current & proposed use]:

_____

_____

_____

_____

_____

Location of project:

_____

_____

Applicant Name:		Address:	
Home Phone		Cell:	
Work Phone		Fax	
E-Mail:			
Agent's Name:		Address:	
Home Phone		Cell:	
Work Phone		Fax	
E-mail			
Owner's Name		Address	
Home Phone		Cell	
Work Phone		Fax	
E-mail			

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. / 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]			
Travel Corridor			
Height [max]			
Permeability			
No. of parking spaces			

Attention: For Cell Tower Use Variance please substitute Alternate Page 3 listing appropriate criteria questions below:

Additional Project Information

1. Will the proposal require a Septic Variance from the Town Board of Health? _____
2. If the parcel has previous approvals, list application number(s): _____
3. Does this project require coverage under the New York State Pollutant Discharge Elimination System (SPDES) Permit Program? __ Yes / __ No
4. Estimated project duration: Start Date: _____ End Date: _____
5. Estimated total cost of project: _____
6. Total area of land disturbance for project: _____

The following information is needed by the Zoning Board of Appeals and reflects the criteria for granting a Use Variance. Please respond to each item; use additional sheets if needed:

1. The applicant cannot realize a reasonable return, provided that 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. That the requested Use Variance, if granted will not alter the essential character of the neighborhood

   _____

   _____

4. That the alleged hardship has not been self-created.

   _____

   _____

Please take note:

- Responses to items 1-4, above, must be provided for review by the Zoning Board of Appeals.
- New York State Town Law 267-b requires that the Zoning Board of Appeals deny the variance - if any one, or more of the factors listed above is NOT PROVEN.

Attention: For Cell Tower Use Variance please substitute This Alternate Page 3 listing appropriate criteria questions below:

Additional Project Information

1. Will the proposal require a Septic Variance from the Town Board of Health? _____
2. If the parcel has previous approvals, list application number(s): _____
3. Does this project require coverage under the New York State Pollutant Discharge Elimination System (SPDES) Permit Program? __ Yes / __ No
4. Estimated project duration: Start Date: _____ End Date: _____
5. Estimated total cost of project: _____
6. Total area of land disturbance for project: _____

The following information is needed by the Zoning Board of Appeals and reflects the criteria for granting a Cell Tower Use Variance. Please respond to each item; use additional sheets if needed:

1. That the proposed improvement is a public necessity in that it is required to render safe and adequate service.
   _____
   _____

2. That there are compelling reasons, economical and otherwise, for permitting the variance.
   _____
   _____

3. Where the intrusion or burden on the community is minimal, the showing required by the utility should be correspondingly reduced.
   _____
   _____

Please take note:

- Responses to items 1-3, above, must be provided for review by the Zoning Board of Appeals.
- New York State Town Law 267-b requires that the Zoning Board of Appeals deny the variance - if any one, or more of the factors listed above is NOT PROVEN.
- The four (4) criteria usually associated with a use variance are different in this case. Verizon Wireless is consider a public utility under New York decisional law (*Cellular Telephone Company v. Rosenberg, 82N.Y.2d 364(1993*) and a provider of "*personal wireless services"* under the Telecommunications Act of 1996. As a result of these decisions, the following are to be shown by the public utility in order to gain a use variance

Section 179-14-030

Application materials and site plan drawing is to include sufficient information for the Board to review and provide a decision. The applicant is to provide a site plan drawing(s) – a survey showing existing conditions, a proposed conditions map (see page 00 for specific criteria) and include any other attachments that address A - D as applicable to the proposed project.

A.	General	Shown on Sheet #
1	Title, Name, Address of applicant & person responsible for preparation of drawing	
2	Deed	
3	North arrow, Tax Map ID, date prepared and scale [minimum: 1 inch = 40 feet]	
4	Boundaries of the property plotted to scale, zoning boundary	
5	Principal structures, accessory structures with exterior dimensions	
6	Site improvements incl. outdoor storage areas, driveways, parking areas, etc.: existing & proposed	
7	Setbacks for all structures and improvements: existing & proposed	
8	Elevations and floor plans of all proposed and affected structures	
B.	Water & Sewer	Shown on Sheet #
1	Project sewage disposal facilities, design details, construction details, flow rates, and number of bedrooms proposed	
2	Water supply [i.e. well] & septic on adjoining lots with separation distances to existing or proposed on-site water supply and septic	
3	Separation distances for proposed sewage disposal system to well and water bodies	
4	Existing public or private water supply [well, lake, etc.]. Method of securing public or private water, location, design and construction of water supply including daily water usage	
5	Percolation test location and results	
C.	Parking / Permeable Areas	Shown on Sheet #
1	Number of spaces required for project including calculations and justification: existing & proposed	
2	No. of existing parking spaces, number to be removed, number to maintain and type of surfacing material [e.g., gravel, paved]	
3	Provision for pedestrian and handicap access and parking: existing & proposed	
4	Design details of ingress, egress, loading areas and cutting: existing & proposed	
5	Location and character of green areas [existing and proposed], modification to green area, buffer zone to remain undisturbed	
6	Lighting, location and design of all existing and proposed outdoor lighting	
D.	Additional Site Development and Miscellaneous	Shown on Sheet #
1	On-site & adjacent watercourses, streams, rivers, lake and wetlands	
2	Utility / energy distribution system [gas, electric, solar, telephone]: existing & proposed	
3	Location, design and construction details of all existing and proposed site improvements including: drains, culverts, retaining walls, fences, fire & emergency zones and hydrants, etc.	
4	Square footage of bldg. area proposed for office, manufacturing, retail sales or other commercial activities: existing & proposed	
5	Signage: Location, size, type, design and setback: existing & proposed	
6	Waiver Request: provide letter with application requesting any waivers: please reference specific items	
7	Commercial / Industrial Development requires submission of Landscaping, Stormwater Management, Grading & Lighting Plans	
8	Identification of Federal, State or County permits required for the project together with a record of application for all necessary permits	

Pre-Submission Conference Form / Section 179-9-040

1. Applicant Name: _____

2. Tax Map ID _____ Location: _____

3. Zoning Classification _____

4. Reason for Review: _____

5. Zoning Section #: _____

6. Pre-Submission Meeting Notes:

	Provided	Outstanding; Please provide by
Deed	____	_____
General Information complete	____	_____
Site Development Data Complete	____	_____
Setback Requirements Complete	____	_____
Additional Project Information Complete	____	_____
FAR addressed	____	_____
Compliance with Zoning Ordinance	____	_____
Checklist items addressed	____	_____
Environmental Form completed	____	_____
Signature Page completed	____	_____

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Staff Representative: _____

Applicant / Agent: _____ Date: _____

This page includes the **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.

OWNER'S AGENT FORM: Complete the following if the **OWNER** of the property is not the same as the applicant:

Owner: _____

Designates: _____ as Agent regarding the following:

Variance ___ Site Plan ___ Subdivision ___

For Tax Map No.:_____ Deed Reference: Book____ Page ____ Date ____

OWNER SIGNATURE: _____ **DATE**: _____

APPLICANT'S AGENT FORM: Complete the following **if** the **APPLICANT** is unable to attend the meeting or wishes to be represented by another party:

Owner: _____

Designates: _____ as Agent regarding the following:

Variance___ Site Plan ___ Subdivision ___

For Tax Map No.:_____ Deed Reference: Book____ Page ____ Date ____

OWNER SIGNATURE: _____ **DATE**: _____

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 Department. Fees for engineering review services will be charged directly to the applicant. Fees for engineering review will not exceed $ 1,000 without notification to the applicant.

3.) AUTHORIZATION FOR SITE VISITS: By signing this page and submitting the application materials attached herein, the Owner, Applicant, and his/her/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

I have read and agree to the above.

_____	_____	_____
Signature [Applicant]	Print Name [Applicant]	Date signed
_____	_____	_____
Signature [Agent]	Print Name [Agent]	Date signed