

# ***ZONING BOARD OF APPEALS***

## ***PLEASE READ***

Under present procedures your application and plan may be subjected to a 2 phase review before final approval is granted allowing you to begin work on your project.

The Zoning Board of Appeals meets the third Wednesday of the month. An agenda will be forwarded to you prior to the meeting. The phases and steps are:

**Your application and plan must be filed by the 15<sup>th</sup> of the month.** It is forwarded to the Zoning Board of Appeals for a Public Hearing. Based on your application, your input and possible neighbor comments, the Zoning Board will render a decision. You should be present at this meeting. Be prepared to respond to detailed questions about your project. If, for any reason, your application is tabled at the scheduled ZBA meeting, it must be heard at the next scheduled meeting, no further tabling of the application will be allowed.

The Zoning Board may possibly, as a stipulation of approval, require you to submit a detailed *SITE PLAN* to the Planning Board to refine your project and insure it complies with the needs of the Town. This *SITE PLAN* should be drawn in a professional manner, to scale showing precise measurements and other pertinent data as it applies to your particular project. A *SITE PLAN REVIEW* outline can be obtained from the Zoning Enforcement Officer.

The Planning Board assures that your end project will be in full compliance with Town requirements. Only when the Planning Board ascertains and is satisfied that your plan has met the necessary criteria will they grant final approval and you will be able to start your project.

*Remember---*If there is a structure involved in your plan, or major renovations are necessary, you will be required to obtain a Building Permit.

<p style="text-align: center;"><b>Code Enforcement Officer's Hours</b> <b>Monday, Tuesday, Thursday &amp; Friday 8:00 a.m. – 12:00 p.m.</b> <b>Wednesday – 4:00 p.m. – 7:00 p.m.</b></p>
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DATE \_\_\_\_\_

APPLICATION # \_\_\_\_\_

FEE PD. \$ \_\_\_\_\_

## APPLICATION TO THE ZONING BOARD OF APPEALS

APPLICANT \_\_\_\_\_ Phone # \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_

CURRENT PROPERTY OWNER \_\_\_\_\_ Phone # \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_

REPRESENTATIVE FOR BOARD MEETING  APPLICANT  OTHER \_\_\_\_\_

### APPLICATION FOR:

- Expansion/Change of Nonconforming Use
- Appeal of Zoning Officer ----- Variance -  Use  Area
- Second Party Appeal
- Special Permitted Use \_\_\_\_\_
- Interpretation of Zoning Ordinance or Official Map
- Temporary Permit-----  New  Extension
- Appeal of Zoning Officer's Decision

Parcel ID # \_\_\_\_\_ Zone \_\_\_\_\_ Overlay \_\_\_\_\_

Property Location (please provide map) \_\_\_\_\_

Description of Project ---- Reason for Application \_\_\_\_\_

### SUPPORTING DOCUMENTS:

- Deed - If rental or leased  Copy of agreement showing contractual rights.
- Is sale of property contingent on approval of this application?  Yes  No
- Site Plan Appr Date \_\_\_\_\_ DEC Appr Date \_\_\_\_\_ SEQR Appr Date \_\_\_\_\_
- Clinton County Planning Board  Approval  Denial Date \_\_\_\_\_
- APA  Approval  Denial Date \_\_\_\_\_

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### ACTION

#### ZONING BOARD

#### PLANNING BOARD

Rev. Date \_\_\_\_\_

SITE PLAN REV Date \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_

Approved \_\_\_\_\_ Denied \_\_\_\_\_

Approval Stipulations \_\_\_\_\_

Reason for Denial \_\_\_\_\_

Chairperson

Chairperson

## ***USE VARIANCE***

**ALL QUESTIONS MUST BE ANSWERED:**

1. Current use of land/structure(s)\_\_\_\_\_

\_\_\_\_\_

2. Proposed use\_\_\_\_\_

\_\_\_\_\_

3. Description of property\_\_\_\_\_

\_\_\_\_\_

4. Description of surrounding lands\_\_\_\_\_

\_\_\_\_\_

5. Anticipated weekly increase in traffic\_\_\_\_\_

6. In order to obtain a variance the following must be completed to the satisfaction of the Zoning Board of Appeals:

**A.** For each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence;\_\_\_\_\_

\_\_\_\_\_

**B.** This hardship is unique and does not apply to a substantial portion of the district or neighborhood\_\_\_\_\_

\_\_\_\_\_

**C.** By granting the variance the essential character of the neighborhood will not be altered because\_\_\_\_\_

\_\_\_\_\_

**D.** This hardship is not self created for the following reasons\_\_\_\_\_

\_\_\_\_\_

7. Will project require a separate structure?\_\_\_\_\_ If yes, give details-----

Size\_\_\_\_\_ Foundation\_\_\_\_\_ Construction Material\_\_\_\_\_

Approval of this variance, where a separate structure is involved, does not relieve the applicant of the requirement to obtain a building permit and the regulations governing the issuance of one.

# ARTICLE VII - ADMINISTRATION

## SECTION 701 ENFORCEMENT:

This ordinance shall be enforced by the Zoning Enforcement Officer, who shall be appointed by the Town supervisor with the approval of the Town Board. In case of a vacancy of the office of Zoning Enforcement Officer, the Town Supervisor shall be acting Zoning Enforcement Officer. No building permit or certificate of occupancy shall be issued except where all the provisions of this ordinance have been complied with.

## SECTION 706 VIOLATIONS:

A violation of this ordinance is an offense punishable by a minimum fine of \$50.00 and a maximum fine of \$350.00, or by imprisonment for a period not exceeding six (6) months, or by both fine and imprisonment. Each week's continued violation shall constitute a separate additional violation. Whenever a violation of this ordinance occurs, any person may file a complaint in regard hereto. All such complaints must be in writing and shall be filed with the Zoning Enforcement Officer, who shall properly record such complaint and immediately investigate and report thereon to the Town Board.

In addition to other remedies, the Town may institute any appropriate action or proceeding to prevent any unlawful erection, alteration, conversion, maintenance or use, to correct or abate such violation, to prevent the occupancy of a building, a structure, or land or to prevent any illegal act, conduct, business or use.

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STATE OF NEW YORK)

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County of Clinton)

Deponent being duly sworn says that he/she is the owner of the property upon which this request is based, or an authorized agent for the property owner for which the foregoing request is being submitted.\* I further state that all information contained herein is true and correct to the best of my knowledge.

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true, has committed a crime under the laws of the State of New York, punishable as a Class A Misdemeanor. (PL210.45)

\* A letter appointing the agent to act in his/her behalf must be signed by the land owner and accompany this application.

Assistance rendered by the Zoning Enforcement Officer or other town official in completing this request **does not** insure approval by either the Planning Board or Zoning Board of Appeals.

Affirmed under penalty or Perjury

This \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant