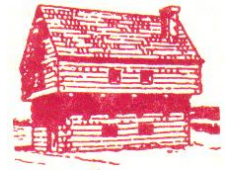


# TOWN OF STILLWATER



ESTABLISHED 1788 – SITE OF THE TURNING POINT OF THE AMERICAN REVOLUTION

BOX 700, STILLWATER, NY 12170 (518) 664-6148, FAX (518) 664-9537

BUILDING, PLANNING & DEVELOPMENT DEPARTMENT

## APPLICATION FOR VARIANCE (AREA OR USE), ZONING INTERPRETATION, OR EXTENSION OF A NON-CONFORMING USE

<b>Applicant:</b> _____
<b>Address of Site:</b> _____
_____

<b><u>For Official Use Only</u></b>
<b>Date Application Received:</b>
_____
<b>Application No.</b> _____

### Instructions:

The following application must be fully completed by the Applicant and filed with the Code Enforcement Officer. To be placed on an agenda at a Zoning Board of Appeals meeting, the completed application must be submitted 28 days in advance of a meeting. The Zoning Board of Appeals meets based upon a schedule posted on the Town's web-site [www.stillwaterny.org](http://www.stillwaterny.org).

### Include the following in your application package:

Please submit one (1) original and seven (7) copies of the following application package. Failure to do so will result in an incomplete application and delays in the Town's processing of the application.

- This application form.** For Zoning Interpretations complete Parts I, II, IIIA and IV. For Area Variances complete Parts I, II, IIIB and IV. For Use Variances complete Parts I, II, IIIC and IV.
- Application Fee.** Each application should be accompanied by a fee as determined on the fee schedule adopted annually by the Town Board.
- Plat Plan and Other Submittals** in accordance with Article 15, Section 15.3 of Town Zoning (see also Part II below)
- Short Environmental Assessment Form** pursuant to the N.Y.S. State Environmental Quality Review Act (SEQRA).
- Agricultural Data Statement and Control Form** if the property is located on a farm or within 500 feet of a farm in an agricultural district. This form is available from the Code Enforcement Officer or the Town Clerk.

The following additional items may be necessary following your initial submission:

- Public Notice Mailing Fee.** All Use Variances require a public hearing. The cost is based on the number of parcels within 500-feet of project site parcel boundaries. This fee must be paid to the Town no later than 14 business days prior to the scheduled public hearing and is not part of any applicant funded escrow accounts.
- Engineering / Legal escrow fees.**
- Additional copies of initial submission listed above for SEQRA Coordination:** if the Zoning Board of Appeals deems the application as a Type I or Unlisted Action under SEQRA, the applicant must provide the required number of additional copies for submission of appropriate information to interested and involved agencies. Failure to do so in a timely manner may delay processing of the application. The Town may provide additional copies on the applicant's behalf; however the Town does so assuming no responsibility for completeness of this information. Furthermore, the Town will hold the applicant responsible for any associated costs for making additional copies.

**Part I - General Information:**

ADDRESS OF SITE \_\_\_\_\_  
Number Street Name of Project (if applicable)

TAX ID \_\_\_\_\_ EXISTING ZONING DIST RR•LDR•RM•RRD•B1•B2•BP•I•MU•R67  
Section Block Lot Circle Applicable District(s)

CURRENT USE \_\_\_\_\_ PROPOSED USE \_\_\_\_\_

PROPOSED PROJECT DESCRIPTION

\_\_\_\_\_  
\_\_\_\_\_

TOTAL AREA OF PARCEL TO BE EFFECTED BY REQUESTED VARIANCE \_\_\_\_\_

LEGAL DESCRIPTION OF PARCEL ATTACHED YES / NO / NA  
Circle One

SKETCH PLAN PROVIDED, SEE PART II YES / NO / NA  
Circle One

APPLICANT INFORMATION:

Name \_\_\_\_\_  
Last First

Address \_\_\_\_\_  
Number Street City State Zip Code

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email \_\_\_\_\_

AGENT FOR THE APPLICANT INFORMATION (IF APPLICABLE):

Name \_\_\_\_\_  
Last First

Address \_\_\_\_\_  
Number Street City State Zip Code

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email \_\_\_\_\_

PROPERTY OWNER INFORMATION (IF NOT APPLICANT):

Name \_\_\_\_\_  
Last First

Address \_\_\_\_\_  
Number Street City State Zip Code

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email \_\_\_\_\_

**Part II –Plan and Submittal Requirements:**

The applicant must provide information reasonably considered by the Zoning Board of Appeals as necessary to make its findings and shall include a legal description of the property, a map showing the property and all properties within a radius of 500 feet of the exterior boundaries to show the proposed variance and other information reasonably considered necessary.

**Part IIIA – Zoning Interpretation:**

1. Cite the section(s) of the Town Zoning for which an interpretation is being requested. \_\_\_\_\_

\_\_\_\_\_

2. Explain the nature of the requested zoning interpretation. \_\_\_\_\_

\_\_\_\_\_

**Part IIIB – Area Variance Test Information:** (Extensions of Non-Conforming Uses are treated as Area Variances)

Cite the Section(s) of the Town Zoning for which an Area Variance is being requested and why area variance is necessary.

Section	Reason for Area Variance
_____	_____
_____	_____
_____	_____
_____	_____

In making its determination whether to grant an area variance, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Accordingly, the Applicant for an Area variance must satisfactorily demonstrate the following (complete the following 5 items):

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. The applicant shall demonstrate why an undesirable change will not result or detriment to nearby properties will not be created:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance. The applicant must demonstrate that other means practicable have been considered to achieve the benefit sought other than a variance:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Whether the requested area variance is substantial. The applicant shall demonstrate why the variance requested is not substantial in form:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The applicant must demonstrate that if granted, the variance will not have an adverse effect or impact:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. The applicant shall state why the hardship is not self created:

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**Part III C – Use Variance Test Information:**

Briefly explain why a Use Variance is being requested.

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No such Use Variance shall be granted by a Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. Accordingly, the Applicant for a Use variance must satisfactorily demonstrate the following (complete the following 4 items):

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence. No reasonable return is possible under current zoning because:

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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. The plight of the owner is due to the unique circumstances because:

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3. That the requested use variance, if granted, will not alter the essential character of the neighborhood. The applicant must demonstrate that the modifications or use to be authorized will not alter the essential character of the locality because:

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4. That the alleged hardship has not been self-created. The applicant shall state why the hardship is not self created because:

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**Part IV - Signatures**

SIGNATURE OF OWNER:

To the best of my knowledge the information provided in this application and on the attached plans and accompanying documentation is true and accurate.

I, the undersigned, have thoroughly read and understand the application and the list of items to be shown on the plans and documents for review and I consent to all the requirements as set forth in the application.

\_\_\_\_\_  
APPLICANT'S SIGNATURE\*

\_\_\_\_\_  
PRINT OR TYPE NAME OF SIGNED

\* Applicant must either be the owner of the property to be developed or used, or be a party with a purchase agreement for the property. A copy of the purchase agreement must be attached.

AUTHORIZATION TO ACT AS AGENT FOR:

In the event that the owner of the property desires to have another individual act as his/her authorized representative in support of this application the following statement must be completed and signed:

I, \_\_\_\_\_, owner of the premises located at \_\_\_\_\_

Number

Street

TAX ID \_\_\_\_\_, hereby designate, \_\_\_\_\_

Section

Block

Lot

Printed Name of Agent

as my agent regarding this application for review.