



Town of Day Zoning Board of Appeals

1650 North Shore Road, Hadley, NY 12835.

Telephone: 518-696-3789

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Use Variance Application Form:

This form is designed to help the applicant gather and communicate the information the ZBA will need to make a decision about the applicant's request for a variance. Applicants must address the factors the ZBA is required to consider.

Information required:

1. The letter of denial by the Code Enforcement Officer or the referral from the Planning Board.
 - a. This information tells the ZBA what was requested, and why it wasn't in compliance with existing Town of Day law.
2. Documentation that the applicant has the legal standing to make the request for a variance. All owners of a property must apply for the variance.
 - a. Generally, this is a copy of the deed, or contract of sale.
3. A survey map drawn by a NYS licensed land surveyor. The map must show the location and precise dimensions of the property, and the location and dimensions of all existing structures, and any proposed structure(s), including the distances of structures from the property lines (the setbacks.)
4. The map must include the area, and the height from grade of any proposed structure. The map will show all significant landscape features. Landscape features include, but are not limited to, wetlands, water courses, wells, septic systems, and right of ways.

- a. In order to assess the impact of granting a Use Variance, the ZBA must understand the area affected.
5. A completed Town of Day application form:
 - a. Under “Specific Description of the Requested Variance” applicants should describe the project, and demonstrate
 - a.i. the harm they will suffer if the Use Variance isn’t granted.
 - a.ii. why they judge alternatives, including alternatives not requiring a variance, as not feasible.
 - b. All owners MUST sign the application form. Note that the application form includes the granting of permission for individual members of the ZBA to inspect the property on a site visit.
6. A completed applicant’s section (Part 1) of the “Short Environmental Assessment Form.”
 - a. This part of the application is required by New York State Law of all projects, and is known as a “SEQRA” review.
7. Payment of the required application fee.
 - a. Checks made payable to the Town of Day. The fees are \$60 for a commercial application, and \$45 for a residential application.

When the ZBA has accepted the application as complete, the Public Hearing will be scheduled. The applicant is obligated to notify all property owners and governments (i.e. Hudson River Black River Regulating District, Town of Hadley, Town of Edinburg, Saratoga County, etc.) within 500’ of each property boundary. Notification must be by certified mail at least 10 DAYS before the public hearing.

Applicants must fill out the items below.

Item 1: Identification of Property and Applicants

Tax Map Description of Property:

Section ____ Block ____ Lot ____ Zoning Classification ____

Owner(s): All owners listed on the deed must be listed. Attach a copy of the deed to this application.

Name: _____

Address: _____

Telephone Number _____

Email address: _____ (not required.)

If there are additional owners, attach the required information to this application. If the applicant(s) are to be represented by someone else (a contractor, lawyer, family member, friend, etc.) all applicants must sign the authorization below.

I hereby authorize _____
to be my official representative for this application.

I authorize individual members of the ZBA to perform site visits.

Signature of applicant(s) _____

Date _____

Directions to the site: _____

Use Variance Applications require significant documentation, so we assume that leaving space within this form would be inadequate. Each item should be addressed to the fullest, and the documents should be attached to the application.

- I. Describe the project: In describing your project, please provide as much information as you can that is pertinent to the factors the ZBA must consider.

- II. Demonstrate:
 - a. The economic hardship that would be suffered if the variance is not granted. This demonstration must include credible financial analysis to show the applicant cannot realize a reasonable return for each and every allowed use in the zone where the property is located;
 - b. 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;
 - c. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - d. That the alleged financial hardship has not been self - created.

- III. What alternatives to this Use Variance have you considered?

- IV. If there are alternatives that wouldn't require a variance, why did you reject them?

TOWN OF DAY ZONING BOARD OF APPEALS

Day Town Hall

1650 North Shore Road

Hadley, NY 12835

AFFIDAVIT BY APPLICANT AS TO SERVING NOTICE TO ADJACENT PROPERTY OWNERS

In the Matter of Application for Approval

Section _____ Block _____ Lot _____

State of New York

County of Saratoga

_____ being duly sworn, deposes and says:
(Name)

I reside at _____

and on or before the _____ day of _____, 20____

I mailed by Certified Mail to each of the persons named, a written notice stating that this application would be heard at the Day Town Hall, 1650 North Shore Road, Hadley, New York 12835 on the _____ day of _____, 20____ at _____ p.m. and that application relates to premises described above.

The notice was served on the persons by Certified Mail. A list of the names and addresses has been attached to this affidavit, along with a copy of the letter being sent out.

No person other than those served, as set forth in the preceding parts of this affidavit, is listed on the tax rolls as an owner of property within 500 feet of the premises affected by this application.

Applicant's Signature

Jurat

Sworn and subscribed before me

this _____ of _____, 20____

Notary Public

TOWN OF DAY ZONING BOARD OF APPEALS
Day Town Hall, 1650 North Shore Road, Hadley, NY 12835

NOTICE PURSUANT TO SECTION 11.14 OF THE TOWN OF DAY ZONING ORDINANCE

***TO ALL OWNERS OF PROPERTY WITHIN 500 FEET OF THE
EXTERIOR LIMITS OF SUBJECT PROPERTY (Including Municipalities)***

APPLICANT _____ Date _____

LOCATION OF SUBJECT PROPERTY: _____

Section _____ Block _____ Lot _____ Zoning District _____

TO:

Dear Property Owner:

Please be advised that I have applied for a Variance on the above named parcel and you are recorded as a property owner within 500 feet of said property.

A public hearing on the above matter has been set by the Town of Day Zoning Board of Appeals for the _____ day of _____, 20____ at _____ p.m. at the Day Town Hall, 1650 North Shore Road, Hadley, NY 12835, at which time interested persons may be heard.

Type(s) of Application: () Area Variance () Use Variance () Interpretation

Description of Request(s): _____

Copies of the proposed variance have been filed with the Clerk of the Zoning Board of Appeals and may be reviewed by contacting the Town of Day Zoning Board of Appeals Clerk, 1650 North Shore Road, Hadley, NY 12835 or (518)696-3789 Ext, 305.

Signed: _____

Address: _____

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)