

ZONING BOARD OF APPEALS

ALBANY COUNTY NEW YORK

VILLAGE HALL 2 THUNDER ROAD COLONIE, NY 12205 (518) 869-7562 FAX (518) 464-0389

EMAIL: sdouglas@colonievillage.org

VARIANCES

Effective July 6, 1993, The New York State Village Law, Section 7-712B requires an applicant for variances to meet the following burden of proof.

Please fill out the following documents in the entirety. Missing information may lead to delays in completing the application and approval process. **10 copies are required for each of the following**, unless otherwise noted.

- Application Form
- o Environmental Assessment Form
- Current Site Plan
- o Floor Plan indicating use of each area

1. USE VARIANCES:

No such use variance shall be granted by a Board of Appeals without a showing bythe applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicantshall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located.

- (a) The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
- (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 hardship has not been self-created

2. AREA VARIANCE:

In making this determination, 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 a grant. In making such determination, the Board shall consider:

- (a) Whether an undesirable change will be produced in the character of theneighborhood or a detriment to nearby properties will be created by granting of the area variance;
- (b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
- (c) Whether the requested area variance is substantial'
- (d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, Whether the alleged difficulty was self-created, which consideration shallbe relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Board of Appeals, in granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The Board of Appeals shall, in granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such condition shall be consistent with the spirit and intent of the local zoning law and shall be imposed for the purpose of minimizing any adverse impact such variancemay have on the neighborhood or community.

ZONING VARIANCE

RESIDENTIAL NON-REFUNDABLE VILLAGE OF COLONIE COMMERCIAL NON-REFUNDABLE ZONING BOARD OF APPEALS APPLICATION FOR ZONING VARIANCE

ZONING VARIANCE

ZONING VARIANCE FEES: APPLICATION FOR AN APPEALS TO THE ZONING BOARD OF APPEALS:

RESIDENTIAL 1 FAMILY, INCLUDING ACCESSORY STR RESIDENTIAL 2 FAMILY INCLUDING ACCESSORY STR FOR A BUSINESS APPLICATION FOR SPECIAL EXCEPTIONS SIGN PERM	RUCTURES		\$50.00 \$100.00 \$150.00 \$150.00
OWNER'S NAME	TEL NO		
ADDRESS: PLEASE PRINT			
RESIDENTIAL: GARAGE			
ATTACHED: UNATTACHED:	DIMENSIONS:	LOT	SIZE:
INDICATE DISTANCE FROM:SIDE LINE_	REAR LINE		STREET LINE
ADDITIONS: TO SIDE OF HOUSEFT. REAR OF HOU	SEFT. TO	FRONT	FT.
DIMENSIONS: ENTIRE HOUSESQ. FT	PROPOSED ADDTN	SQ. FT.	LOT:
INDICATE DISTANCE FROM:SIDE LINE_	REAR LINE		STREET LINE
NEW DWELLING:			
ONE FAMILY _ TWO FAMILY	APARTMENT _	OTHER:	_
DIMENSIONS: BUILDING:	LOT SIZE:		
COMMERCIAL AND INDUSTRIAL:			
BUILDING: GAS STATION:	_ OTHER:		
DIMENSIONS: BUILDING	LOT SIZE		
DISTANCE FROM:SIDE LINE	REAR LINE		STREET LINE
REASON FOR VARIANCE:			
INDICATE HARDSHIP: (ATTACH LETTER IF NECESSARY)			
PLEASE MAIL IN ORDELIVER TO VILLAGE HALL TO THE ZBA OVILLAGE HALL 2 THUNDER ROAD, ALBANY, NY 12205. MAKE A			,
DATE: OWN	ER'S SIGNATURE:		

Short Environmental Assessment Form Part 1 - Project Information

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 infonnation 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:		
I. Does the proposed action only involve the legislative adoption of a plan, le	ocal law, ordinance,	NO	YES	
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 Pall 2. If no, continue to question 2.				
2. Does the proposed action require a permit, approval or funding from any		NO	YES	
If Yes, list agency(s) name and permit or approval:				
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	acres acres			
4. Check all land uses that occur on, adjoining and near the proposed action. ☐ Urban ☐ Rural (non-agriculture)	ercial Residential (suburban)			

5. Is the proposed action,	NO	YES	NIA
a. A pennitted use under the zoning regulations?			
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b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural	ш,	NO	YES
landscape?	- 1		
·		80	-
 Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Ar 	ea:	سيبو	44.5
	Ī		
IfYes, identify:			
a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YE\$
b. Are public transportation service(s) available at or near the site of the proposed action?	1		
of the public distribution set vice(s) available in or field the site of the proposed decion.			
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed ac	tion?		
11 11	uon.	+	+
Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
		ш	
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
The transfer of the proposed details connect to an extension partial value supply.	- 1	.10	1133
If No, describe method for providing potable water:			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
	- 1		
If No, describe method for providing wastewater treatment:			
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic		NO	YES
Places?			
b. Is the proposed action located in an archeological sensitive area?		+	
		_	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain		NO	YES
	- 1	400	
wetlands or other waterbodies regulated by a federal, state or local agency?			
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			
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Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a	ll that a	oply:	
		oply:	
Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a D Shoreline		oply:	
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Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a D Shoreline Forest D Agricultural/grasslands D Early mid-success. Wetland Urban Suburban 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO	YES
Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a D Shoreline Forest D Agricultural/grasslands D Early mid-success. Wetland Urban Suburban Is. Does the site of the proposed action contain any species of animal, or associated habitats, listed.			YES YES
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Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a D Shoreline		NO NO	YES
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Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a D Shoreline		NO NO	YES
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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check a D Shoreline	ional	NO NO	YES
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18. Does the proposed action include construction or other activities that result in the impoundment of		YES
water or other liquids (e.g. retention pond, waste lagoon, dam)?		
If Yes, explain purpose and size:		
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	_	_
19. Has the site of the proposed action or an adjoining property been the location of an active or closed	NO	YES
solid waste management facility?		
If Yes, describe:		
	111	ш
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20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or	NO	YES
completed) for hazardous waste? If Yes, describe:		
if ites, describe:		
	\sqcup	ш
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BI	EST OF	MY
KNOWLEDGE		
Applicant/sponsor name: Date:		
Signature:		