



# TOWN OF POESTENKILL

38 Davis Drive / P.O. Box 210  
Poestenkill, NY 12150  
(518) 283-5100 Phone  
(518) 283-7550 Fax

## ZONING BOARD OF APPEALS

### USE VARIANCE APPLICATION

**Applicant Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Property Owner (if not applicant):**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Home Phone:** \_\_\_\_\_ **Work Phone:** \_\_\_\_\_ **Cell Phone:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Signatures:**

**Applicant:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Owner:** \_\_\_\_\_ **Date** \_\_\_\_\_  
(If different from applicant)

**OFFICIAL USE ONLY :**

**Date Application Received** \_\_\_\_\_ **Amount Received** \_\_\_\_\_

\_\_\_\_ **APPROVED** \_\_\_\_ **CONDITIONALLY APPROVED** \_\_\_\_ **DENIED** **Date** \_\_\_\_\_

**Property Information:**

Land Use District in which property is located:

- |  |                                       |
|--|---------------------------------------|
| ___ Residential (R)                          | ___ Hamlet                            |
| ___ Residential /Agriculture (RA)            | ___ Commercial/Light Industrial (CLI) |
| ___ Rural Residential 1 (RR1)                | ___ Natural Products (NP)             |
| ___ Rural Residential 2 (RR2)                | ___ Planned Development (PD)          |
| ___ Flood Fringe Overlay (Flood Hazard Area) |                                       |

Location of land parcel:

---



---

Tax Map Number: \_\_\_\_\_  
(This information is REQUIRED on the application)

If in subdivision: Subdivision Name \_\_\_\_\_ Lot Number: \_\_\_\_\_

Any previous:  
Variances? \_\_\_\_\_ (Yes/No) If Yes, Date \_\_\_\_\_

Details: \_\_\_\_\_  
\_\_\_\_\_

Special Use Permits? \_\_\_\_\_ (Yes/No) If Yes, Date \_\_\_\_\_

Details: \_\_\_\_\_  
\_\_\_\_\_

Was a building permit denied? \_\_\_\_\_ (Yes/No) Date of denial \_\_\_\_\_

If denied: Verbal denial? \_\_\_\_\_ (Yes/No) Written denial? \_\_\_\_\_ (Yes/No)

Indicate the Town of Poestenkill Code Section from which this variance application is being requested:

Chapter \_\_\_ Article \_\_\_ Section \_\_\_\_\_ Paragraph \_\_\_\_\_

Justification for Variance Requested

Please read this section carefully before completing the questions that follow:

A use variance shall be granted by the Board of Appeals only with a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall 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) 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) The requested use variance, if granted, will not alter the essential character of the neighborhood;
- d) The alleged hardship has not been self-created.

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

The Zoning Board of Appeals shall, in granting of both area variances and use 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, or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of the zoning local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

**NOTE: If additional space is needed for any question below, attach additional pages indicating the question to which the pages pertain.**

**Describe the proposed new construction or use of the land for this parcel:**

---



---



---



---

**Describe in detail all circumstances which prevent construction in strict accordance with the code:**

---



---



---



---

**Describe any special conditions related to the property:**

---

---

---

---

**State your opinion of how the proposed construction would fit that found in the immediate neighborhood. Please state the basis, with appropriate comparisons, for your stated opinion:**

---

---

---

---

---

**Describe why a reasonable return (in dollars and cents) cannot be obtained by using the property for a use permitted by the Poestenkill Land Code:**

---

---

---

---

**Please add here any additional information you think would be helpful to the Zoning Board of Appeals for a complete understanding of the facts of this case. Use additional pages if needed:**

---

---

---

---

---

**Additional Contact Information:**

**Site Planner:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Plot Engineer/Surveyor:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Attorney:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Other** (consultants, etc):

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

**Checklist of Materials That Must Accompany this Application:**

- \_\_\_\_\_ **Use Variance Application Fee**
  - See Zoning Board of Appeals Fee Schedule for current fee
  - Make checks payable to Town of Poestenkill
  
- \_\_\_\_\_ **Copy of section of applicable Tax Map showing location of property**
  
- \_\_\_\_\_ **Copy of the Denial from Code Enforcement Officer (if applicable)**
  
- \_\_\_\_\_ **Drawings -- 8 copies-- containing:**
  - Dimensions to scale, showing buildings, yard (front, side and rear setbacks of building(s) (proposed and existing), lot size, area and streets.
  - Site plan with dimensions showing location of proposed construction and use areas.
  
- \_\_\_\_\_ **Owner's consent letter (if not applicant)**

**Additional Applicant Costs Associated with this Application:**

- Cost of Public Hearing Notice in Town's newspaper of record.
- Cost of certified letters to notify abutters/neighbors of the area variance filing.
- Consultant costs (if applicable)
- An invoice for these additional costs will be sent to the applicant as soon as possible after final action is taken on the requested subdivision. This invoice is due and payable immediately upon receipt.