

**TOWN OF CLAVERACK**  
**APPLICATION SUBMITTAL CHECKLIST**

1. Completed application(s) (obtainable from the Code Enforcement Officer).
2. Copy of the denied building permit application with the Code Enforcement Officer's reasons for the rejection.
3. Completed Ag Data Statement for any property located in an Agricultural District (obtainable from the Building Inspector).
4. Plot plan drawn to scale showing the following information:
  - a. All boundary lines and dimensions.
  - b. All structures, whether existing or proposed, including their dimensions.
  - c. Location of driveway(s). Attach approved driveway permit(s).
  - d. Location of well and septic, including leach field.
  - e. Show setbacks of all structures, driveway, well and septic from boundary lines.
  - f. Show names of abutting landowners.
5. A copy of the survey map and deed.
6. A list of the names and mailing addresses of all property owners within 300 feet of the parcel's boundaries, including cross streets, roads, highways, streams. This can be obtained from the Assessor's Clerk or the Town of Claverack website.
7. Completed (Part 1 only) Environmental Assessment Form (available from the Code Enforcement Officer).
8. Any other information deemed necessary by the applicant to justify the approval of the request (see reverse side for the statutory standards for Issuance of Use and Area Variances).
9. Check payable to "Town of Claverack" for the designated amount per the most current fee schedule (<https://townofclaverack.com/wp-content/uploads/2020/09/Building-Fee-Schedule-2020.pdf> )

**Note: A draft package should be submitted to the Code Enforcement Officer (CEO) for review. After review by the CEO, the applicant will supply 11 copies of the complete application to the CEO. Applications are due 10 business days prior to the Board meeting in order to be considered at the next meeting (Planning Board meets on the first Monday of the month and ZBA meets on the 4th Wednesday of the month.) Applicant's failure to provide all of the above information will delay the Board's action on the request. If after 90 days the applicant makes no oral or written contact with the appropriate board, the application will be deemed abandoned.**

Jodi Keyser, Secretary, PB & ZBA  
PO Box 127  
Claverack, NY 12513  
FAX 518-672-4821  
Telephone 518-727-0219

Applicant Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Application #: \_\_\_\_\_

## **STATUTORY STANDARDS FOR THE ISSUANCE OF USE AND AREA VARIANCES**

Section 267-B of General Town Law permits the local Zoning Board of Appeals to grant waivers (variances) from the strict application of the Zoning Ordinance provisions. However, this relief, by law, can only be given under hardship or practical difficulty situations. The following information outlines the tests that must be met before the applicant would be eligible for a variance. Supporting documentation must be included in the application submission.

### **IF A USE VARIANCE IS REQUESTED:**

The applicant must demonstrate to the ZBA for each and every permitted use under the Zoning Ordinance for the particular zone where the parcel is located that:

- a. The applicant cannot realize a reasonable return, provided that this lack of return is substantial, demonstrated by competent financial evidence (such as appraisal, financial statements, tax bills, expert testimony, etc.).
- 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.

### **IF AN AREA VARIANCE IS REQUESTED:**

The applicant must demonstrate:

- a. Why the request will not result in an undesirable change to the character of the neighborhood, or be a detriment to nearby properties.
- b. Why the benefit sought cannot be achieved by some other method feasible to the applicant.
- c. Why the variance is not deemed substantial in nature.
- d. Why the request will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.
- e. Why the alleged difficulty was not self-created.

**DOCUMENTATION MUST BE SUBMITTED IN WRITING WITH YOUR SUBMISSION, EXCEPT FOR EXPERT TESTIMONY.**