



TOWN OF CLAVERACK
Zoning Board of Appeals
91 Church Street, PO Box V
Mellenville, NY 12544
PHONE (518) 727-0219 / FAX 518-672-4821

Zoning Board Checklist

1. Completed application (s) (area variance, use variance, or interpretation) obtainable from Town of Claverack Website: www.townofclaverack.com
2. If the applicant is not the owner, submit a letter signed by the property owner granting authority to the applicant to act on this application. If the owner is a corporate entity or trust, submit a letter signed by the authority of the entity or trust granting authority to the applicant to act on the application.
3. Supply a copy of denied building permit application and/or denial letter with the Code Enforcement Officer's reason for denial.
4. Plot plan drawn to scale showing the following information:
 - All boundary lines and dimensions
 - All existing and proposed structures, including their dimensions
 - Location of driveway (s) and attach approved permit (s)
 - Location of well, septic and leach fields
 - Show names of abutting landowners
 - Plans must be stamped by a licensed engineer, surveyor or architect
5. Supply a copy of the filed deed indicating the current ownership of the subject property. If the owner is a corporation, attach a list of all directors, officers, and major stockholders. If applicant is a contract vendee, then attach a copy of the duly executed contract of sale.
6. A list of names and mailing addresses of all property owners within 300 feet of the parcel's boundaries this can be obtained from the Assessor's Clerk and include cross streets, roads, highways, streams.
7. Completed Environmental Assessment Form (Part 1 completed by applicant, Parts 2 and 3 supplied blank for the board to complete) available on NYS Department of Environmental Conservation Website: <https://www.dec.ny.gov/permits/6191.html>

8. Please be advised that the Zoning Board review process often involves engineering, legal and other professional skills. While the Zoning and Building Department staff will provide guidance and assistance within reasonable limits, the responsibility for the proper presentation of the proposal lies with the applicant and the applicant's advisor, and not upon the Zoning and Building Department, its staff, or the Zoning Board.
9. Fee schedule: Individual fee schedules are listed on the Town of Claverack website and are specific to the type of project. Escrow accounts will be established as required by the Zoning Board upon the advice of applicable professionals engaged by the Town to assist the Zoning Board.
10. Additional fees (escrow) may be required in an amount necessary to defray additional cost of special consultants engaged by the Town to assist in the review of an application. The Zoning Board will endeavor to provide notice to the applicant in advance of securing a special consultant to allow the applicant time to alter or remove their application before the Zoning Board.
11. When a public hearing is scheduled, the applicant must erect a sign (obtainable from Town Clerk) facing each public street on which the property abuts. Sign (s) must be erected not less than ten (10) days immediately preceding the public hearing or any adjournment date. The sign will indicate the date and time of the scheduled hearing.
12. Checks are made payable to "Town of Claverack" for the designated amount per the most current fee schedule which can be obtained from the Town of Claverack website: www.townofclaverack.com

*Note: All packets should be submitted to the Town of Claverack Code Enforcement Officer for review with applicant supplying **11 copies** of the completed application.

When possible, digital copies or PDFs of the application materials should be supplied with original paper copies to expedite the review.

Applications are due **10 business days** prior the Zoning Board meeting to be considered at the next meeting. Zoning Board meets on the fourth (4th) Wednesday of the month. Applicant's failure to provide all the above information will delay the Board's action the request. If after 90 days of the applicant makes no oral or written contact with the zoning board of appeals on the application, the application will be deemed abandoned.

Questions:

Jodi Keyser, Secretary
91 Church Street - PO Box V
Mellenville, NY 12544
Revised 4/2022

Applicant Signature: _____

Date: _____

STATUTORY STANDARDS FOR THE ISSUANCE OF USE & AREA VARIANCES

The New York State 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 situations. The following information outlines the test 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 REQUIRED:

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

- The applicant cannot realize a reasonable return, provided that his lack of return is substantial, demonstrated by competent financial evidence (such as appraisal, financial statement, tax bills, expert testimony, etc.)
- 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 requested use variance, if granted, will not alter the essential character of the neighborhood.
- The alleged hardship has not been self-created

IF AN AREA VARIANCE IS REQUESTED:

The applicant must demonstrate:

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

Additional guidance on the Zoning Board of Appeals may be reviewed at the NYS Department of State website at:

<https://dos.ny.gov/zoning-board-appeals-overview>

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