

ZONING BOARD OF APPEALS
TOWN OF COBLESKILL
SCHOHARIE COUNTY, NEW YORK

In the Matter of the Application of

_____ insert name of applicant _____
for a (Use Variance) (Area Variance)
(Interpretation) (Special Permit) (Other)

Official Use Only	
APPEAL NO.	_____
DATE	_____

**COMPLETE ALL BLANKS.
IF AN ITEM IS NOT APPLICABLE, THEN WRITE "N/A".
IF NONE, THEN WRITE "NONE".
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.
ATTACH ADDITIONAL PAGES IF NECESSARY.
SUBMIT ONE ORIGINAL AND FIVE COPIES.**

I (We), _____, hereby appeal to the Zoning Board of Appeals from the decision of the Codes Enforcement Officer on application / permit number _____, whereby the Codes Enforcement Officer did deny

- () A Building Permit
- () A Permit for Use
- () A Certificate of Occupancy
- () A Special Use Permit
- () Other (specify: _____)

Attached hereto is a copy of said written denial.

1. Applicant

Name _____
Address _____
Telephone Number _____
Email Address _____

2. Owner

Name _____
Address _____
Telephone Number _____
Email Address _____

3. Property

Street Address _____
Tax Map Parcel Number (S.B.L.) _____
Zoning District _____

4. **Is the Property within 500 feet of:** (Circle one opposite each)
- | | | | |
|-----|---|-----|----|
| (A) | Any Municipal Boundary
List: _____ | Yes | No |
| (B) | Any existing or proposed county or state road | Yes | No |
| (C) | Any existing right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines | Yes | No |
| (D) | Any existing or proposed boundary of any county or state-owned land on which a public building or institution is situated | Yes | No |
| (E) | Any existing or proposed county or state park or other recreation area | Yes | No |
| (F) | Any boundary of a farm operation located in an Agricultural District (N/A to area variances) | Yes | No |

Notes: **A)** If any of the above were marked “yes”, then referral must be made to the Schoharie County Planning and Development Agency. GML §239m(3)(b). If the subject property is within 500 feet of any municipal boundary, then notice must be given to the clerk of each such bordering municipality

B) Applicant is to fill out an Agricultural Data Statement if a request is made for a Use Variance or a Special Use Permit. (Agricultural & Markets Law §305-a).

5. Previous Appeal

A previous appeal has (not) been made with respect to this decision of the Codes Enforcement Officer.

If an appeal has previously been made, give the number and date of such appeal, attach a copy of the Application and a copy of the Decision.

6. Reason For Appeal (attach additional sheets if necessary)

Instructions: An Appeal can be made for one or more of the following reasons (A-E). Completely fill in areas only for which the appeal is being made.

(A) **Interpretation** of the Zoning Ordinance is requested because _____

(B) A **Special Permit** is required pursuant to Zoning Law § _____
 because _____

(C) An **Extension to a Special Permit** is requested because _____

(D)

A **Use Variance** is requested for these reasons:

Special Instructions: There are strict legal requirements for the granting of a use variance. You are directed to review Town Law §267-b(2) and the applicable case law thereunder.

(1) Under the zoning law, the land or structure can not yield a reasonable return if used only for a purpose allowed in that zoning district without a variance because _____

(2) The use requested by this application for a variance will not alter the essential character of the locality because _____

(3) The plight of the applicant is due to unique circumstances and not to the general conditions of the neighborhood which may reflect the unreasonableness of the ordinance itself because _____

(4) The conditions creating the unnecessary hardship are not self-created and the appellant did not acquire the land, building or structure with actual or constructive knowledge that the desired use was not permitted without a variance because _____

(E) An **Area Variance** [Town Law §267-b(3)] is Requested for these reasons:
APPLICANT MUST SUBMIT A SKETCH DIAGRAM OF THE SUBJECT PREMISES TO SCALE, WHICH DIAGRAM MUST SHOW ALL BUILDINGS AND FIXTURES EXISTING ON THE PREMISES AS OF THE DATE OF THE APPLICATION.

(1) If the variance is granted, the applicant will have the following benefit:

(2) If the variance is granted there will (not) be an undesirable change in the character of the neighborhood or a detriment to nearby properties, because _____

(3) The applicant can (not) attain the benefit of having the variance by any other method because _____

(4) The requested area variance is (not) substantial because _____

(5) The requested variance will (not) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because _____

(6) The alleged difficulty was not self-created because _____

7. State Environmental Quality Review

The applicant is responsible for completing the applicable SEQR documents and submitting those documents with and as a part of this application.

Submitted with this application is Part 1 of

- () Short Environmental Assessment Form
- () Full Environmental Assessment Form
- () Draft Environmental Impact Statement

8. General Municipal Law § 809 Certification

In accordance with General Municipal Law § 809, the undersigned certifies in submitting this application that no officer or employee of the State of New York or County of Schoharie or Town of Cobleskill is interested in granting said application:

It is understood that:

- (A) A person is "interested" in such application when he or his spouse or their brothers, sisters, parents, children, grandchildren or spouse of any of them
 - (1) is the applicant, or
 - (2) is an officer, director, partner or employee of the applicant, or
 - (3) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - (4) is a party to an agreement with such applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered dependent or contingent upon the favorable approval of such application, petition or request.
- (B) Ownership of less than five (5%) of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purpose of this section.
- (C) Any person who knowingly and intentionally violates the provisions of General Municipal Law § 809 shall be guilty of a misdemeanor.

(NOTE: If in any case the applicant cannot make the foregoing certification, the applicant shall so state and shall furnish with the application a signed statement which sets forth in detail the reason therefor.)

The foregoing certification as well as the contents of this entire application is hereby subscribed by the applicant and is hereby affirmed by the applicant as true under the penalties of perjury.

Dated: _____

(signature)