

Town of Bolton  
**VARIANCE APPLICATION**

Planning and Zoning Department  
PO Box 355 (4949 Lakeshore Drive) Bolton Landing, NY 12814  
Phone: (518) 644-2893 Fax: (518) 644-2476  
e-mail: [planning@town.bolton.ny.us](mailto:planning@town.bolton.ny.us)

Application # \_\_\_\_\_

Fee: \$65.00

Ten (10) copies of this application, and all associated drawings *drawn to scale with scale identified and including all dimensions*, must be provided.

Area Variance

Use Variance

1) Property Owner's Name \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

2) Representative's Name \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

3) Parcel Id #: Section: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Zone: \_\_\_\_\_

4) Property location (911 Address)\*: \_\_\_\_\_

\* If a 911 address has not yet been assigned, please provide a description of how to find the property:

\_\_\_\_\_

5) Section & Page # of ordinance involved: \_\_\_\_\_

6) Easements or other restrictions on property (attach copy of deed): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7) Present use of Property: \_\_\_\_\_

8) Project Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



1. How can the benefit that you desire not be achieved by other feasible means?

Explain: \_\_\_\_\_

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2. How will your project not produce an undesirable change to the neighborhood?

Explain: \_\_\_\_\_

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3. Is the requested area variance substantial?     YES     NO

Explain: \_\_\_\_\_

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4. Will there be an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?     YES     NO

Explain: \_\_\_\_\_

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5. How is the alleged difficulty self-created?

Explain: \_\_\_\_\_

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Prepared by \_\_\_\_\_ Date: \_\_\_\_\_

*Circle one:* owner / representative

Signed \_\_\_\_\_ Date: \_\_\_\_\_

*Circle one:* owner / representative

**617.20**  
**Appendix B**  
**Short Environmental Assessment Form**

**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 information 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.

<b>Part 1 - Project and Sponsor Information</b>			
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:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, 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 Part 2. If no, continue to question 2.			<b>NO</b>
			<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>
			<b>YES</b>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing potable water: _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? <input type="checkbox"/> NO <input type="checkbox"/> YES] If No, describe method for providing wastewater treatment: _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain 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: _____ _____ _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

**Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3.** For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**Town of Bolton**  
**Office of the Zoning Administrator**

This page provides an Authorization to Act as Agent Form, Professional Review Fee Disclosure, Authorization for Site Visits, Other Permit Responsibilities and Agreement to Provide Required Documentation.

- 1) Complete the following if the owner of the property is authorizing an agent to appear on their behalf to present the application and speak on behalf of the proposed project:

Owner: \_\_\_\_\_

Designates: \_\_\_\_\_

Project Description: \_\_\_\_\_

As owners agent regarding:

Variances \_\_\_\_\_ Subdivision \_\_\_\_\_ Septic \_\_\_\_\_ All Permits \_\_\_\_\_

Site Plan \_\_\_\_\_ Cert. of Comp. \_\_\_\_\_ Storm Water \_\_\_\_\_

Tax Map #: Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

- 2) **Professional Review Fees:** Bolton Code Section 150-13B and Stormwater and Erosion Control (Regulations) Section 125-13(c) provide that the Zoning Administrator or Planning Board may require that the applicant reimburse the Town of Bolton for “the actual costs of reasonable and necessary legal and technical assistance” for review of an application, review and the planning process may result in the assessment of the actual costs of engineering or other professional review, and the applicant agrees to pay same. **No permits shall be issued or subdivision plats signed pertaining to this parcel until all Town Engineering fees are paid in full.**
- 3) **Authorization For Site Visits:** The applicant hereby authorizes members of the Zoning Board of Appeals, Planning Board and employees of the Town of Bolton and their agents to enter the subject properties at reasonable times for the purpose of reviewing the application submitted.
- 4) **Official Meeting Minutes Disclosure:** Proceedings of meetings in review of an application upon acceptance by the board as its official minutes shall constitute the official record of board proceedings. Any claimed discrepancy between the official minutes shall be deemed the official, accurate record.
- 5) **Further Permits:** Each applicant is advised that construction, alteration and activities related to approvals reviewed and granted by the Town of Bolton may require additional approvals of other jurisdictions, which may include the Lake George Park Commission, Warren County Planning Board, Adirondack Park Agency, New York State Department of Health and other boards of review. The applicant has the responsibility to obtain all such permits.

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNATURE OF AGENT: \_\_\_\_\_ DATE: \_\_\_\_\_



**PROCEDURES TO FOLLOW WHEN APPLYING FOR  
VARIANCES  
AND APPEARING BEFORE THE PLANNING BOARD AND ZONING  
BOARD OF APPEALS IN THE TOWN OF BOLTON**

**PROCEDURES FOR APPLYING:**

**\* Due to new APA regulations all applications requiring a shoreline variance to alter a non-conforming structure, shall be required to have an engineer evaluate and verify that the existing septic system is up to code and working properly, prior to the Zoning Office accepting the applications. \***

- 1) The application must be filled out in its entirety.
- 2) 10 completed sets are required. *(It is suggested that prior to making 10 sets, that the zoning administrator review the application, construction drawings and site plan for completeness).*
- 3) In addition to the application the following must be included:
  - a) a legal description of the property.
  - b) plans & elevations necessary to show the proposed variance.
  - c) the setbacks and location of all proposed structures from the lake shore.
  - d) The color & construction materials of all structures.
  - e) The requirement of a cutting and /or landscaping plan acceptable to the board.
  - f) Other drawings or information considered necessary by the Zoning Board of Appeals to make an informed decision.
  - g) The filing fee is \$65, due at the time of filing. If paying by check, make payable to the "Town of Bolton".
- 4) You must place pink placard in a conspicuous place on the property as representation of the project/proposal that will be reviewed by the Planning Board or the Zoning Board of Appeals.
  - a) If the property is located off of the main road, post this card near the main road and contact this office for additional cards to be placed at the property. The board members will be visiting the site this month and it is hoped that the above referenced card will help aid them in locating the same.
  - b) You may want to cover it with some type of plastic so as to protect it from weather.

### ITEMS TO INCLUDE ON THE PLOT PLAN:

The scale of the plot plan you are using, i.e. 1" = 20' (1 inch equals 20 feet), 1" = 50' (1 inch equals 50 feet), etc. It is very important that your plot plan be drawn to some type of scale and is accurate. A survey map works well, if available.

All structures, existing and proposed, must be accurately placed on your plot plan. **Dimensions of structures must include overhangs.**

Proposed parking, if applicable.

Proposed lighting, if applicable.

Proposed signage, if applicable.

The distances between your proposed construction and all property lines and watercourses. This helps determine setbacks.

Streams, ponds, lakes, etc., if applicable.

Right-of-ways and easements, if applicable.

Make certain that you know exactly where the edge of the State, County, or Town right-of-ways are located. You must contact the appropriate agency to determine this.

You may be asked to submit additional information as deemed necessary.

### ITEMS TO INCLUDE WITH CONSTRUCTION DRAWINGS:

Elevation drawings **drawn to scale.**

The scale of the construction drawing you are using. This is very important.

The height of the structure and overall dimensions, **including overhangs**, are to be shown on the drawings.

### THE VARIOUS BOARDS FOR WHICH APPROVALS SHALL/MAY BE REQUIRED

All variance applications within the following thresholds are referred to the Warren County Planning Board for their review and comments:

- 1) Within 500 feet of the Town boundary;
- 2) Within 500 feet of an existing or proposed County or State park or recreation area, right-of-way, parkway, thruway, road or highway, stream, public building or institution.

It is mandatory that you or your representative, attend the Planning or Zoning Board meetings. You will be notified of the date(s) on which your application will be heard. You must go to the podium and present your application.

## **AREA VARIANCE**

### **CRITERIA USED FOR GRANTING AREA VARIANCES**

When going before the Zoning Board of Appeals, for an area variance, the applicant should address the following:

- ⇒ Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.
- ⇒ Whether the benefit sought by the Applicant can be achieved by some method feasible for the Applicant to pursue, other than an area variance.

When the Zoning Board of Appeals grants an area variance, the following criteria must be met:

- ⇒ Whether the proposed variance is substantial;
- ⇒ 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;
- ⇒ What the benefit will be to the Applicant as weighed against the detriment to the health, safety, and welfare of the neighborhood or community.

## **USE VARIANCE**

### **CRITERIA USED FOR GRANTING USE VARIANCES**

When going before the Zoning Board of Appeals for a use variance, the Applicant should address the following:

No such use variance shall be granted without a showing by the Applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the Applicant shall demonstrate to the Board that for each and every permitted use under the Zoning Regulations for the particular district where the property is located that the following criteria is met:

- ⇒ The Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- ⇒ 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;
- ⇒ That the requested use variance, if granted, will not alter the essential character of the neighborhood;
- ⇒ That the alleged hardship was not self-created.

#### MISCELLANEOUS

It is customary for the Applicant to approach the Board with said request and specifically explain what is being proposed. When finished, the Board will proceed with questions and render a decision.

Once the review process is complete, PLEASE remove the identification placard from the property.

# PLANNING OFFICE

When building a new home or similar structure in the Town of Bolton, please be advised that this office requires certain inspections during the course of construction. First and foremost, temporary erosion controls should be placed on the down gradient slope of the site if required by the Zoning Administrator or otherwise noted on the plans and left in place until the area has been totally remediated.

Please call 644-2893 when:

- 1) Your footers have been placed but before you pour the concrete. This inspection is to insure that the structure has been placed in accordance with the plans. All findings will be reported to the zoning administrator by the zoning enforcement officer. Please advise us if you would like to be present during inspections.
- 2) Your septic system has been installed, specifically when the septic tank, "D" box and the leach field have been installed. Leave the tank, "D" box top and leach field open so that they may be inspected. After the system has been covered, seeded and mulched call for an additional inspection. All findings will be reported to the zoning administrator by the zoning enforcement officer. Once it has been determined that the system was installed in accordance with the approved plans, a letter will be sent signifying approval. Please advise us if you would like to be present during inspections.
- 3) The stormwater controls have been installed (ditches, swales, etc). Leave any gravel and pipe systems, or drywells open until inspected. All major stormwater projects must submit post construction certification from a NYS licensed engineer. All findings will be reported to the zoning administrator by the zoning enforcement officer. Please advise us if you would like to be present during inspections.
- 4) If for any reason you choose to modify your plans that were approved by this office, please provide this office with an amended set of drawings. This includes any modifications to the site plan, floor plan, septic plan, stormwater plan or elevation drawings. Keep in mind that if you propose additional bedrooms, your septic system may need to be upgraded, as the size of your system is determined, in part, on the amount of bedrooms proposed.
- 5) Once the project is complete, and before a Certificate of Occupancy or Completion is issued by Warren County Building Codes Department, the zoning administrator must sign off on the project. You must call for a final inspection from this office, at which time the zoning enforcement officer shall arrange for a site visit. All findings will be reported to the zoning administrator by the zoning enforcement officer. Please advise us if you would like to be present during inspections

This office wishes you the best of luck in obtaining your goal. Should you have questions or need further assistance, please call at your earliest convenience.

# **PROJECT IDENTIFICATION**

TOWN OF BOLTON  
PLANNING BOARD

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----- VARIANCE

NAME:-----

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**PLANNING OFFICE**