

# TOWN OF STARKEY, NEW YORK

Code Enforcement Office  
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## OFFICE USE ONLY

Application No.: \_\_\_\_\_  
Date Filed \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_  
Received by: \_\_\_\_\_

## APPLICATION FOR A USE VARIANCE

Dear Applicant:

This application for a Use Variance is hereby given to you since the Code Enforcement Officer has officially determined, whether verbal or in writing, that your proposed use is not permitted or special use at the applicable zoning district pursuant to the Zoning Law of the Town of Starkey. You have the right to submit this application as prescribed in Section 267-b of the Town Law of NYS to petition the Zoning Board of Appeals (hereinafter referred to as "ZBA") to reverse or affirm, wholly or partly, or modify the order, requirement, decision, interpretation or determination of the Code Enforcement Officer.

A Use Variance has been defined as a variance which permits a prohibited use in a zoning district. As the Use Variance grants permission to the owner to do what the use regulations prohibit, this power of the ZBA must be exercised very carefully lest there be serious conflict with the overall zoning scheme for the community. The showing required for entitlement to a Use Variance is therefore intended to be a difficult one. The Town Law of NYS specifically incorporates this concept into the language of the statutes. The statutes provide as follows: 'Use Variance' shall mean the authorization by the ZBA for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

The courts have set up certain tests for Use Variance applicants. These tests are standards that an applicant must meet before a ZBA may issue a Use Variance. These tests have been incorporated into law through criteria an applicant must meet before the ZBA may grant a Use Variance [§267-b (2)(b) of the Town Law of NYS]. The state laws provide that "[n]o such Use Variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardships." To prove unnecessary hardship, the applicant must demonstrate to the ZBA that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; and
2. 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; and
3. That the requested Use Variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self-created.

It must be emphasized that the four rules contained in the state law are requirements for the issuance of a Use Variance. The ZBA must find that each of the tests has been met by the applicant before a Use Variance may be issued.

Respectfully,

Starkey Code Enforcement Officer

## APPLICATION FOR A USE VARIANCE

### Part 1. Owner contact information.

Name:

Mailing Address:

City:  State:  Zip Code:

Telephone Number:

Email:

### Part 2. Attorney contact information.

Name:

Mailing Address:

City:  State:  Zip Code:

Telephone Number:

Email:

### Part 3. Property information.

a. Address:

b. Tax Map Identification Numbers:

### Part 4. Zoning information.

a. Zoning District:

*(Note. Please refer to the official Zoning Map of the Town of Starkey, which is available for your review and use at the Town of Starkey's website. If you need assistance, please contact the Code Enforcement Officer and this officer will assist you.)*

b. What is/are the existing uses located on this lot of record?  
*(Example. A single unit dwelling with a detached garage.)*

### Part 5. Description of Use Variance(s).

Please understand that definitions of uses and uses allowed within a zoning district are prescribed in the Zoning Law of the Town of Starkey. This law can be viewed at <https://townofstarkey.org>.)

a. Proposed use:

Requesting variance from: Chapter:  Section:

b. Proposed use:

Requesting variance from: Chapter:  Section:

c. Proposed use:

Requesting variance from: Chapter:  Section:

*(Notes. Please understand that the definitions prescribed in the Zoning Law of the Town clearly define the words used within this law. If you are unsure of a definition, please contact the Code Enforcement Officer who can assist you. Lastly, please attach a clear and unambiguous definition of your proposed use if it is not defined and/or this officer was unable to find a definition of the proposed use in the Zoning Law of the Town of Starkey.)*

### Part 6. NYS Criteria/Rules for a Use Variance.

*(Note. Please read the attached Guide for Applicants Applying for a Use Variance that explains the below criteria/rules for a Use Variance and the type of competent evidence that is required to be submitted for the record.)*

1. Describe how the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.

2. Describe how the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

3. Describe how the requested Use Variance, if granted, will not alter the essential character of the neighborhood.

4. Describe how the alleged hardship has not been self-created.

Please understand that if any one or more of the above criteria is not proven by competent evidence, NYS law requires that the Zoning Board of Appeals of the Town of Starkey deny this application for a Use Variance. Please understand that the Courts have determined that when a municipality adopts a Comprehensive Plan outlining the future growth and development of the community and a Zoning Law to implement that plan, the People have concluded that the restrictions are necessary for the public benefit and the law should be observed. Therefore, in the Court's opinion, "Use Variances should not be easily or lightly granted and a Use Variance should be the exception not the rule."

#### **Part 7. Owner to Reimburse the Town for any Administrative Costs.**

- a. Does the Owner understand and agree to reimburse the Town for any administrative costs incurred to review this application? ☐ Yes

*Note. Pursuant to the Code of the Town of Starkey, the owner is required to reimburse the Town for any administrative costs incurred to review an application. Administrative costs are defined as "those charges incurred by the Town in processing and reviewing applications or other actions pertaining to the administration and enforcement of the Code of the Town of Starkey including but not limited to:*

- *Attorney fees.*
- *Appraisal fees.*
- *Engineering fees.*
- *Land survey fees.*
- *Any other costs incurred by the Town.*

#### **Part 8. Application Checklist.**

- ☐ Completed application signed by the owner.
- ☐ Application fee (checks made payable to the "Town of Starkey").
- ☐ Completed Authorized Representative Form for Attorney.
- ☐ SEQRA – Full Environmental Assessment Form (EAF).
- ☐ SEQRA – Visual Environmental Assessment Form (EAF) Addendum.

- ☐ Competent financial evidence as well as other evidence to support any claims made in this application.
- ☐ Site plan or survey that is signed and sealed by a Licensed Land Surveyor or Registered Design Professional licensed in NYS.
- ☐ Construction documents for any new structure and/or additions to existing structures, which shall be signed and sealed by a Registered Design Professional licensed in NYS.
- ☐ Agricultural Data Statement if property located in a NYS Certified Agricultural District
- ☐ Any other documents required by the Town.

#### **Part 9. Stipulations of the Application.**

- *Stipulation #1 - Certificate of Zoning Compliance or Building Permit prior to the start of construction.* The owner hereby understands and agrees not to start construction of a building and/or structure unless a Certificate of Zoning Compliance or a Building Permit is issued pursuant to law.
- *Stipulation #2 - Disclosure Affidavit.* The owner hereby understands and agrees that he/she/they have read and is familiar with the provisions of Section 809 of the General Municipal Law of NYS, which states: (a.) Every application, petition or request submitted for a variance, amendment, change of zoning, approval of plat, exemption of plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality or a part, in the person, partnership or association making such application, petition, or request (hereinafter called the applicant) to the extent known to such applicant. (b.) For the purpose of this section of law, an officer or employee shall be deemed to have an interest in the applicant when he/she, his/her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them: (i.) Is the applicant; (ii.) Is an officer, director, partner or employee of the applicant; (iii.) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association application; or (iv.) Is a party to an agreement with such an applicant, express or implied, whereby he/she 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. (c.) Ownership of less than five percent 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 purposes of this section. (d.) A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor. The applicant shall disclose the full particulars on an attached sheet of paper if a state officer or any officer or employee of a municipality or relative of either as defined in Section 809 of the General Municipal Law of NYS has any interest in this application.
- *Stipulation #3 - Disclaimer of liability.* The owner hereby understands and agrees that the Town is not responsible for the accuracy of applications and associated documents submitted for acceptance to the Town and does not guarantee that reviews and/or inspections will detect all hazards, design defects, and/or violations.
- *Stipulation #4 - Indemnity and hold harmless.* The owner hereby understands and agrees to indemnify and hold harmless this Town, its agents, servants and employees from: (a.) Any claims and liability which may be made against this Town pertaining to the review of this application; and (b.) Any and all liability, loss or damage this Town may suffer as a result of the claims, demands, costs or judgment against and arising from the review of this application. Furthermore, the owner hereby understands and agrees to defend, at his/her/their expense, any claims brought or actions filed against this Town with respect to the subject of the indemnity contained herein, whether such claims or actions are rightfully or wrongfully brought or filed. Lastly, the owner hereby understands and agrees to reimburse this Town from any unnecessary expenses, attorney fees, or other expenses incurred in the enforcement of this indemnity and hold harmless agreement.
- *Stipulation #5 - Inspection of property.* The owner hereby understands and agrees to inspection by this Town's officers, employees or duly authorized representatives of the property for which a Use Variance(s) is sought. The owner also understands and agrees that during an inspection, this Town's officers, employees or duly authorized representatives may, among other things, take measurements, may analyze physical characteristics of the site including, but not limited to, soils and vegetation (taking samples for analysis), and may make drawings or take photographs.

- *Stipulation #6 - Refund of fee(s).* The owner hereby understands and agrees that any fee paid to this Town is not refundable regardless if whether or not Use Variance(s) has been granted or the application has been revoked.
- *Stipulation #7 - Reimbursement of incurred expenses.* The owner hereby understands and agrees that: (a.) This Town has the authority to engage registered design professionals, financial analysts, planners, lawyers or other appropriate professionals who can assist this Town in analyzing a project to ensure compliance with all laws, bylaws and regulations. Such assistance may include, but is not limited to, analyzing an application, monitoring or inspecting a project or site for compliance with the Town's determinations, laws or regulations, or inspecting the project during construction or implementation. (b.) This Town may require funds to retain such professionals prior to initiating the review process for this application. In the event that such funds are insufficient, this Town may require additional funds to pay for all incurred expenses. (c.) Any funds received by this Town shall be deposited into a line item by the Town Clerk. Expenditures from this line item may be made at the direction of the Town Clerk without further appropriation. Expenditures from this line item shall be made only for services rendered in connection with a specific project or projects for which funds have been collected from the owner. Additionally, the failure of the owner to pay any incurred expenses shall be grounds for the denial of an application. Lastly, any outstanding incurred expenses shall be charged against the property and shall constitute a lien thereon in favor of this Town, and the amount of such expenses shall be entered on the tax rolls as being due and payable. Such expenses may also be recovered in any other lawful manner. (d.) At the completion of the project, any excess funds in the line item attributable to such project shall be repaid to the owner. A final report of the line item shall be made available to the owner upon request within a reasonable amount of time. (e.) Any owner may take an administrative appeal from the selection of third party agency to the Town Board. Such appeal shall be in writing and may be taken only within twenty (20) days after the Town has mailed or hand-delivered notice to the owner of the selection. The grounds of such appeal shall be limited to claims that the third-party agency selected has a conflict of interest or does not possess the minimum required qualifications. The required time limit of action upon an application by this Town shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Town Board within one month following the following of the appeal, the selection of a third-party agency made by this Town shall stand.

#### **Part 10. Owner's Signature.**

THE UNDERSIGNED HEREBY ATTESTS that he/she/they is/are the owner of the property subject of this application that has been submitted to this Town. Additionally, the owner hereby certifies that the information contained in this application is accurate, true and complete to the best of his/her/their knowledge, and understands that false statements made in this application are subject to the applicable provisions of the Penal Law of NYS. Furthermore, the owner comprehends that he/she/they is/are ultimately responsible for the compliance with all local, state and federal laws regardless of any contractual agreements. Lastly, the owner has read this entire application and agrees to comply with its stipulations as prescribed herein.

Owner's Signature:

Date:

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## **GUIDE FOR APPLICANTS APPLYING FOR A USE VARIANCE**

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*This publication has been written to aid potential applicants in understanding and appreciating the Use Variance process and to provide an explanation of the rules and standards of the Zoning Board of Appeals (ZBA) of the Town of Milo.*

### **What is a Use Variance?**

A Use Variance permits "a use of the land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations." For example, if a piece of land is zoned for single-family residential use and the owner wishes to operate a retail business, the owner could apply to the Zoning Board of Appeals for a Use Variance.

### **Who is entitled to apply for a Use Variance?**

The owner of the property that is the subject of the Use Variance can only apply since such a person has the legally enforceable right to use the land.

### **Who can help me understand the procedural steps and deadlines?**

The Code Enforcement Officer can help an applicant to understand the procedural steps and deadlines as it pertains to an application for a Use Variance. Such an officer can also help the applicant complete this application, if necessary, and review the necessary competent evidence to ensure that all necessary information is provided. Lastly, the Code Enforcement Officer can explain typical conditions imposed upon the granting of a Use Variance to allow an applicant to comprehend their obligation(s) and ascertain any associated cost(s) prior to applying.

### **Does a Use Variance "run with the land?"**

If a Use Variance is granted for a property because of peculiarities (e.g., unique hardship) of that lot, then the Use Variance would apply to the land regardless of ownership. However, Use Variances remain subject to the continuing regulatory powers of the government and if the Use Variance is not acted upon, the original grant of the Use Variance confers no vested right on a subsequent purchaser.

### **Must the Use Variance, if granted, be exactly what was applied for by the applicant?**

State law provides that the ZBA, in the granting of Use Variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community." [Town Law §267-b (2)(c)] The ZBA should grant the least relief, or smallest variance, necessary to allow the applicant a "reasonable return" on his/her/their land. To do this the ZBA may attach conditions or limits on the variance. The applicant is then able to use his/her/their land only to the extent expressly allowed by the ZBA.

### **Are Use Variances subject to neighbor's consent?**

It is certainly an abuse of discretion for the ZBA to require the applicant seeking a Use Variance to obtain the consent of neighboring landowners. Such a condition is an improper delegation of legislative authority. However, it is highly recommended that the applicant speaks to his or her neighbors since a Notice of Public Hearing will be sent by the Town to all landowners within a 500 feet radius pursuant to law. The simple courtesy of meeting with these individuals may not only pay off by eliminating any opposition but also help the applicant prepare to answer any objections in advance.

### **If there is no opposition to my Use Variance request, must the ZBA grant the request?**

The rules and standards have been set forth in law and by the courts of the State, and cannot be modified by the Zoning Board of Appeals. If they are not followed, the municipality would be subject to costly lawsuits. The public is entitled to speak in favor of, or against, a proposed project, but opinions in and of themselves are not enough. Applicants and their representatives should be guided in advance by the appropriate legal standards in deciding whether an appeal would be appropriate. If an appeal is taken, the applicant should present clear, definite facts showing that the standards have been met. The ZBA cannot grant relief where proper legal proof is not adequately presented.

**Will the ZBA decide the night of the public hearing?**

Once the public hearing is closed, the ZBA may begin discussing the case and reach a decision, or may postpone discussion and/or its decision until a later meeting. If the ZBA deems it necessary, the public hearing may be reopened at any time upon consent of the applicant. Once the public hearing has finally closed, the ZBA must make its decision within 62 days.

**What if an applicant fails to comply with the conditions of the ZBA?**

If an applicant who receives a Use Variance violates conditions imposed as part of the approval, the Town may immediately bring an action for injunctive relief. However, the Code Enforcement Officer will make a reasonable attempt to obtain voluntary compliance prior to pursuing such action.

**Are there any time limits on Use Variances?**

Courts have approved Use Variances that are conditioned upon the applicant initiating such variance within a specific period. If the applicant does not exercise the Use Variance within the set period, then such variance expires and the applicant must reapply. If, however, a request to extend the period for the exercise of the Use Variance is submitted and justifiable cause demonstrated to the Code Enforcement Officer, it is improper, absent a showing of changed circumstances, to deny the extension of the Use Variance. With this information understood, the ZBA will typically condition a Use Variance to be initiated within six (6) months from the date of approval.

**What is the statutory standard for a Use Variance?**

To obtain a Use Variance, the applicant must demonstrate that the applicable zoning regulations cause an unnecessary hardship. To prove unnecessary hardship, the applicant must establish that the requested variance meets all the following four statutory conditions.

1. The owner cannot realize a reasonable return on the property as zoned. The lack of return must be substantial and proven with competent financial evidence. It is insufficient for the applicant to show only that the desired use would be more profitable than the use permitted under the Zoning Law. For example, in *Everhart v. Johnston*, the owner of residentially zoned property sought a Use Variance to allow him to construct offices for an insurance agency and a real estate business. The owner testified in support of the application that it would not be economical to renovate the property for residential purposes and that a greater rent could be charged to a commercial rather than residential lessee. The Court held that showing that "the permitted use may not be the most profitable use is immaterial." What must be established is that "the return from the property would not be reasonable for each permitted use under the ordinance."
  - a. The burden of proof is always on the applicant with regard to establishing reasonable return. This does not, however, bar the municipality from going forward with proof to the contrary. The NYS Court of Appeals has stated, "When the proponent presents proof sufficient to permit the trier of fact to decide in his or her favor, the opponent must counter that proof or risk an adverse determination. Only in that general sense can it be said that there is no obligation on the municipality to go forward with the proof." [*Professional Park v. Town of Bedford*]
  - b. Proof of present market value and annual income can be best established through the written testimony of an expert witness. Where more than one use is permitted in the zoning district, the applicant must prove the projected annual income from each and every permitted use is not reasonable as compared to the return by like property in the community. If, on the basis of this dollars and cents proof, the ZBA determines that no reasonable return can be derived from any of the permitted uses, then the applicant has proved the first point of the statutory standard.



2. The hardship must be unique to the owner's property and not applicable to a substantial portion of the zoning district. Typically, the "uniqueness" conditions involve a physical environmental constraint, such as steep slopes, exposed bedrock, wetlands, or pre-existing nearby development. Yet, if the hardship is common to the whole neighborhood, the remedy is to seek a change in the zoning, not to apply for a Use Variance. In *Collins v. Carusone*, the Court held that the applicant had failed to establish that the hardship, being located near a city landfill, was unique to his property. Rather, it was held that the hardship was common to all properties in the area. Thus, the property owner should make an application for rezoning to the local legislature.
  - a. In *Douglaston Civic Association v. Klein*, the Court noted that "uniqueness does not require that only the parcel of land in question and none other be affected by the condition that creates the hardship. What is required is that the hardship condition be not so generally applicable throughout the district as to require the conclusion that if all parcels similarly situated are granted variances the zoning of the district would be materially changed."
3. Granting the variance will not alter the essential character of the neighborhood. In making this determination, the Court often considers the intensity of the proposed development as compared to the existing and permitted uses in the neighborhood. For example, a Use Variance to permit construction of an office building in a single-family neighborhood where several tall commercial structures already exist would not alter the essential character of the neighborhood. Conversely, the Court in *Holy Sepulcher Cemetery v. Board of Appeals of the Town of Greece* held that cemetery would alter the essential character of a district zoned for residential development, even though the land in the district was undeveloped at the time of the application.
4. The hardship is not self-created. In *Clark v. Board of Zoning Appeals of Town of Hempstead*, the Court of Appeals held that "one who knowingly acquires land for a prohibited use, cannot thereafter have a variance on the ground of "special hardship." For example, a developer may not acquire land zoned residential at the time of acquisition and successfully petition for a variance to construct office buildings. Whether the purchaser knew about the use restriction is not relevant; he is charged with a duty to discover them. In issuing a Use Variance, the Zoning Board of Appeals may impose "such reasonable conditions and restrictions as are directly necessary to and incidental to the proposed use of the property. Such conditions shall be imposed for minimizing any adverse impact such variance may have on the neighborhood or community.

### **What is competent financial evidence?**

To satisfy the "deprivation of all economic use or benefit standard", the applicant must furnish all of the following competent financial evidence to the ZBA establishing:

1. The amount paid for the land in question.
2. Its present market value.
3. Annual maintenance expenses.
4. Annual land taxes and school taxes.
5. The unpaid balance of mortgages and other encumbrances.
6. The annual income from the land in question for each use permitted use in the applicable zoning district.
7. Proof that the actual or estimated return for each permitted use is not reasonable under the circumstances. *Crossroads Recreation v. Broz*, 4 NY 2d 39 (1958)
8. If the subject premises are the subject of a contract of purchase contingent upon the grant of a Use Variance, then the applicant must establish the fair market value of the property independent of the purchase price, because in the absence of such proof, it will be presumed that the purchase price included a premium over fair market price at the time of purchase in expectation of favorable zoning relief. *Professional Park v. Town of Bedford*, 60 N.Y. 2d 492 (1983).
9. The rate of return for the current use and all other uses permitted in the applicable zoning district.
10. The rate of return deemed necessary by applicant to gain a return equal to comparables in the neighborhood. Proof of present market value and annual income can be best established through the testimony of an expert witness.

Where more than one use is permitted in the zoning district, the applicant must prove the projected annual income from each permitted use, and must prove that this annual return is not reasonable as compared to the return by like property in the community. If, based on this dollars and cents proof, the Zoning Board of Appeals determines that the applicant will be deprived of all economic use or benefit of the property, then the applicant has proven the first part of the unnecessary hardship standard.

Such evidence shall be certified in writing by an expert witness (e.g., CPA) to be true and complete to the best of his or her knowledge, and understands that false statements made in this application are subject to the applicable provisions of the Penal Law of NYS.

**Who bears the burden of proof?**

Section 267-b of the Town Law of NYS imposes a burden of proving the statutory standard on the applicant.

**How can an applicant best prepare competent evidence for his/her/their case?**

By employing an attorney who can prepare written evidence as well as provide verbal testimony to the Zoning Board of Appeals. Such attorney should seek advice from other professionals (e.g., certified public accountants, certified planners, etc.) who can provide supporting documentation of any claims made within an application.

**Is the plight of the owner due to personal problems as opposed to use of the land or buildings?**

If due to personal problems, then the Use Variance must be denied. Your attention is especially invited to Town Law of NYS, which requires that deprivation must be established by competent financial evidence. The bottom line in Use Variances is that the burden of proof is on the applicant. If the applicant does not satisfy any one or more of the state's statutory standards, then the variance must be denied.

## TOWN OF STARKEY, NEW YORK

Code Enforcement Office  
40 Seneca Street  
Dundee, New York 14837  
Phone: (607) 243-7996  
Fax: (607) 243-7764  
Email: Starkey CEO@gmail.com  
Website: www.townofstarkey.org



### AUTHORIZED REPRESENTATIVE FORM

Owner's Name:   
Owner's Address:   
Owner's Telephone No.:   
  
Authorized Representative's Name:   
Authorized Representative's Address:   
Authorized Representative's Telephone No.:

*The Owner hereby permits the Authorized Representative to act on his/her/their behalf regarding an application submitted to the Town of Starkey, New York. Such Owner also hereby authorizes this department to release any or all information relating to this application to this Authorized Representative.*

Owner's Signature:   
Date of Signature:

STATE OF NEW YORK      )  
  SS.:  
COUNTY OF                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came \_\_\_\_\_, to me known and known to me to be the person described in and who executed the foregoing instrument and he/she acknowledged to me that he/she executed the same.

\_\_\_\_\_  
Notary Public

# TOWN OF STARKEY, NEW YORK

## Agricultural Data Statement

**Instructions:** This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Applicant	Owner if Different from Applicant
Name: _____ Address: _____ _____	Name: _____ Address: _____ _____

1. Type of Application: ☐ Special Use Permit; ☐ Site Plan Approval ; ☐ Use Variance;  
(circle one or more) ☐ Subdivision Approval

2. Description of proposed project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Location of project: Address: \_\_\_\_\_  
Tax Map Number (TMP) \_\_\_\_\_

4. Is this parcel within an Agricultural District? ☐ NO ☐ YES (Check with your local assessor if  
5. If YES, Agricultural District Number \_\_\_\_\_ you do not know)  
6. Is this parcel actively farmed? ☐ NO ☐ YES  
7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Name: _____ Address: _____ _____	Name: _____ Address: _____ _____
Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES
Name: _____ Address: _____ _____	Name: _____ Address: _____ _____
Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES	Is this parcel actively farmed? <input type="checkbox"/> NO <input type="checkbox"/> YES

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if other than applicant)

Reviewed by:

\_\_\_\_\_  
Signature of Municipal Official

\_\_\_\_\_  
Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.