



Paula A. Mahan
Town Supervisor

TOWN OF COLONIE

Zoning Board of Appeals
Public Operations Center
347 Old Niskayuna Road
Latham, New York 12110

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www.colonie.org

Michael J. Garry
Counsel

James Campbell
Chairman

Dear Proposed Applicant:

If you elect to appeal the Town of Colonie Zoning Board of Appeals the decision of the Town of Colonie Building Department denying your application for a building and/or zoning permit you are required to do the following:

1. Complete and file an appeal using the form provided to you by the Building Department;
2. Provide the required number of copies of a surveyor prepared map or survey of your premises showing the location of the improvements anticipated to be made and all setbacks;
3. Pay the required fee, which is based on the type of property (commercial, residential, agricultural, etc.)
4. Appear at the scheduled hearing before the Zoning Board of Appeals and present evidence sufficient to satisfy the requirements of Section 267-b of the Town Law of the State of New York. For your convenience a copy of Section 267-b, amended to November 2,000, is attached. From time to time the Legislature of the State of New York may amend Section 267-b and it is your responsibility to be aware of those amendments.

There are two types of variances. One is an area variance which means an authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by dimensional or physical requirements of applicable zoning regulations. The other is a use variance which means an authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations. Section 267-b(2) applies to use variances and Section 267-b(3) applies to area variances. As an applicant, it is your obligation to present written and oral testimony and to call such witnesses as you may deem necessary in order to satisfy the Zoning Board of Appeals that criteria for the type of variance you have applied for, as is set forth in Section 267-b, are met.

Since a request for a variance is a quasi-legal proceeding, you may want to consider, although it is not necessary, obtaining an attorney, engineer and/or consultant to assist you in the process.

Very truly yours,

Colonie Zoning Board of Appeals