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NEW YORK STATE TUG HILL COMMISSION LOCAL GOVERNMENT CONFERENCE
Verona, NY

**ZBA REVIEW OF VARIANCE APPLICATIONS
AND INTERPRETATION APPEALS**

MARK SCHACHNER, ESQ.

May 2, 2024

- I. ZBA FUNCTIONS**
- II. BASIC GUIDELINES**
- III. BEST DECISION-MAKING (MOTION) PRACTICES**
- IV. USE VARIANCE APPLICATION REVIEW (UNNECESSARY
HARDSHIP)**
- V. AREA VARIANCE REVIEW (BALANCING BENEFIT TO APPLICANT
vs. DETRIMENT TO NEIGHBORHOOD/COMMUNITY)**
- VI. FOR ALL VARIANCE DECISIONS**
- VII. "INTERPRETATION APPEALS"**



VIII. ZBA DECISIONS AS PRECEDENT

Mark Schachner is the Senior Principal Attorney of MILLER, MANNIX, SCHACHNER & HAFNER, LLC in Glens Falls and Round Lake. While the firm maintains a general practice of law, Mr. Schachner's efforts are concentrated in the areas of municipal, environmental, land use and planning/zoning law. Mr. Schachner and his colleagues represent numerous municipalities in Essex, Franklin, Fulton, Hamilton, Herkimer, Saratoga, Warren and Washington Counties. He also serves as Counsel to the Saratoga County Water Authority, the Gloversville-Johnstown Joint Sewer Board, Fonda-Fultonville Joint Sewer Board, Glens Falls Open Door Mission and LifeWorks Community Action (formerly Saratoga County Economic Opportunity Council). His practice includes extensive participation in regulatory proceedings before the New York State Department of Environmental Conservation, Adirondack Park Agency and Lake George Park Commission. Mr. Schachner is a graduate of Brown University and Boston University School of Law. He is author of the chapter entitled "Environmental Law - New York State Environmental Quality Review Act ("SEQRA")" in the book Pitfalls of Practice published by the New York State Bar Association in 1993 and 2002. Mr. Schachner has lectured about municipal, environmental, planning and zoning law matters at numerous conferences throughout the State. He is a Vice President of the New York Planning Federation.