

**SOUTHOLD TOWN ZONING BOARD OF APPEALS
INSTRUCTIONS FOR USE VARIANCE APPLICATIONS**

Phone: (631) 765-1809

Please submit the following in NINE sets collated into separate packets, with ORIGINAL signed set and Check for filing fee clipped on top:

Use variance” shall mean the 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.

CURRENT NOTICE OF DISAPPROVAL from the Building Inspector dated within the last 60 days, together with the same survey/site plan and building plans filed with the Building Inspector, copies of permit application and correspondence on file with the Building Department.

APPLICATION: Typed or neatly written, signed by the property owner and notarized. If you have a representative signing for you, please furnish a consent form signed by an owner and include representative and the owner’s addresses, telephone and fax numbers, email if any, on Application Page 1. *Please be sure to show the agent’s name separately from the owner’s information on Page 1.* Attach ALL CO’s, Open Building Permits and copies of prior ZBA decisions, if applicable.

PROJECT DESCRIPTION & QUESTIONNAIRE FORM & RECENT PHOTOS: *after, staking outside corners of front, rear and sides of requested action; attach photos to a sheet of paper and please add owner’s name, date taken, N-S-E-W direction to each.*

TRANSACTIONAL DISCLOSURE FORM: signed by all noted persons on the application. Must include one from an owner, one from the agent (if applicable) and/or contract vendee (if applicable).

NEW SURVEY/SITE PLAN, WITH ORIGINAL SEAL AND SIGNATURE OF THE PROFESSIONAL: Surveyor must show proposed and existing setbacks, patios/driveways, wetland-bank-bluffs and buffers, parcel size with square footage landward of CZM and top of bluff with lot dimensions, dimensions of new construction, fences, tanks, overhangs, chimney, cesspool locations, etc. (If your project involves lot coverage exceeding 20% of buildable area, a licensed surveyor must calculate square footages of all buildable areas using reduced lot size as per code, either on an updated SURVEY or in a letter attached to the plot or site plan.) Please give distances between new/ proposed construction to property lines, nearest wetland or bulkhead, top of the bank or bluff, and overhangs exceeding 18”. No hand drawn surveys will be accepted when altered by others. Surveys submitted must show all existing (as built) structures and proposed improvements as certified by a licensed surveyor or engineer. An architect may provide a dated, signed and sealed site plan with an accompanying current survey.

BUILDING PLANS: Plans or sketch of roof design, elevations measured from grade, foundation areas above and below grade, existing and proposed height at top of the ridge from natural grade. Pursuant to Section 280-207 and Section 280-208 of the Town Code, please indicate the proposed Gross Floor Area and Sky Plane on your plans. All design plans shall be signed, sealed by a licensed design professional indicating accurate date of preparation and/or date of revision.

AGRICULTURAL DATA STATEMENT: Please call ahead for County Tax Map parcels actively farmed or agricultural district parcels located within 500 ft. radius of subject property.

Use Variance Instructions – Page 2

COVENANTS AND RESTRICTIONS: If any, provide all copies, or note on application if there are none.

TOWN PROPERTY CARD: (Available from the Town Assessors Office).

LWRP FORM: If applicable, for waterfront or other properties identifying wetlands within 100 feet of property – please complete all questions and outline types of ground disturbance, landscaping and activities that are less than 100 feet from the top of a bank, bluff and shorelines. It is applicant's responsibility to discuss the LWRP Chapter 268 Code inconsistencies of this application at the hearing and/or in writing prior to the hearing.

ENVIRONMENTAL ASSESSMENT FORM: Required for ALL applications.

CHECK: For a Use Variance: \$2,000.00 is payable to TOWN OF SOUTHBOLD: Fee Schedule from Code is attached, or call 765-1809.

After the Board has reviewed and calendared your application for a public hearing, the Department will contact you for scheduling and requesting attendance at the meeting. Our Department will provide instructions with the official Legal Notice, a yellow sign for your posting, an area map showing the surrounding lots that will require a certified mail notice from you with a cover letter, and later, completed Affidavit forms confirming the mailings and posting. **PLEASE NOTE:** Any changes, after submitting the above, must be done in writing to the Board of Appeals clarifying the changes with the nine surveys or site plans, as revised. Changes to your plans require an amended Notice of Disapproval from the Building Department Plan Reviewer 765-1802.

IT IS THE APPLICANT/AGENT'S RESPONSIBILITY TO REVIEW THEIR FILE FOR ANY CORRESPONDENCE FROM OTHER AGENCIES, INCLUDING LWRP, SUFFOLK COUNTY PLANNING, BOARD OF TRUSTEES, TOWN PLANNING BOARD, NEIGHBOR'S, ETC., PRIOR TO THE HEARING.

You are required to request an Amendment of your Notice of Disapproval if changes, such as dimensions, sizes, differ from the original Building Department submission.

New York State Town Law 267:

2. Use variances. (a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(b) No 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 hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals 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; (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; (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.

(c) The board of appeals, 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.

Use Variance Instructions – Page 3

PLEASE TAKE NOTICE:

Automatic adjournments may apply to your application if any of the following occurs relative to your application:

1. An application is amended after it is advertised
2. An amended notice of disapproval is issued, based upon an amended or revised plan.
3. Surveys or other details relative to the advertised application delivered for your file after it is advertised.

Please refer to fees for adjournments without a date listed below.

1. A rehearing necessitated by an Amended Notice of Disapproval the fee shall be **\$500**.
2. Amended Decision requiring a hearing shall have a fee that is the same as the original application.
3. Reopening the record on an Appeal that has been closed shall have a fee that is the same as the original application.
4. A hearing that has been re-calendared because it was adjourned without a date by the Zoning Board of Appeals after a public hearing shall have a fee of **\$250**
5. A hearing that has been re-calendared because it was adjourned without a date by applicant request after a public hearing, shall have a fee of **\$500**.
6. A hearing that has been re-calendared because it was adjourned without a date by applicant request after a legal notice has been posted but prior to a public hearing, shall have a fee of **\$250**.

APPLICATION TO THE SOUTHBOLD TOWN ZONING BOARD OF APPEALS
USE VARIANCE

House No. _____ Street: _____ Hamlet: _____

SCTM 1000 Section _____ Block _____ Lot(s) _____ Lot Size _____ Zone _____

I (WE) APPEAL THE WRITTEN DETERMINATION OF THE BUILDING INSPECTOR
DATED _____ BASED ON SURVEY/SITE PLAN DATED _____.

Applicant(s)/Owner(s): _____

Mailing Address: _____

Telephone: _____ Fax: _____ Email: _____

NOTE: In addition to the above, please complete below if application is signed by applicant's attorney, agent, architect, builder, contract vendee, etc. and name of person who agent represents:

Name of Representative: _____ for () Owner () Other: _____

Mailing Address: _____

Telephone: _____ Fax: _____ Email: _____

Please check to specify who you wish correspondence to be mailed to, from the above names:

() Applicant/Owner(s), () Authorized Representative, () Other Name/ Address below:

WHEREBY THE BUILDING INSPECTOR REVIEWED SURVEY/SITE PLAN
DATED _____ and DENIED AN APPLICATION DATED _____ FOR:

- () Building Permit
- () Certificate of Occupancy () Pre-Certificate of Occupancy
- () Change of Use
- () Permit for As-Built Construction
- () Other: _____

Provision of the Zoning Ordinance Appealed. (Indicate Article, Section, Subsection of Zoning Ordinance by numbers. Do not quote the code.)

Article: _____ Section: _____ Subsection: _____

A prior appeal () has, () has not been made at any time with respect to this property, UNDER
Appeal No(s). _____ Year(s). _____. (Please be sure to research before
completing this question or call our office for assistance)

REASONS FOR USE VARIANCE: An applicant for a use variance **MUST** demonstrate unnecessary hardship by satisfying **ALL** of the following four tests: (Please consult your Attorney before completing, attach additional sheets as needed, and submit related documentation as required)

1. The applicant cannot realize a reasonable return, for each and every permitted use under the zoning regulations for the particular zone district where the property is located, as demonstrated by substantial and competent financial evidence because:

2. The alleged hardship relating to the property is unique and does not apply to the majority of parcels in the same zoning district or neighborhood because:

3. The requested use variance, if granted, will not alter the essential character of the neighborhood because:

4. The alleged hardship has not been self-created because:

In addition to the above standards, the Board of Appeals must also find that:

5. The requested relief is the minimum relief necessary to avoid unnecessary hardship, while at the same time preserving and protecting the character of neighborhood and the health, safety and welfare of the community because:

6. The spirit of the ordinance will be observed, public safety and welfare will be secured, and substantial justice will be done because:

By signing below, I certify all information is true and correct to the best of my knowledge.

Signature of Applicant or Authorized Agent
(Agent must submit written Authorization from Owner)

Print Name

Sworn to before me this _____

day of _____, 20_____

(Notary Public)

Zoning Board of Appeals
APPLICANT'S PROJECT DESCRIPTION

APPLICANT: _____ **SCTM No.** _____

1. For Demolition of Existing Building Areas

Please describe areas being removed: _____

II. New Construction Areas (New Dwelling or New Additions/Extensions):

Dimensions of first floor extension: _____
Dimensions of new second floor: _____
Dimensions of floor above second level: _____
Height (from existing natural grade): _____
Is basement or lowest floor area being constructed? If yes, please provide height (above ground) measured from natural existing grade to first floor: _____

III. Proposed Construction Description (Alterations or Structural Changes)

(Attach extra sheet if necessary). Please describe building areas:

Number of Floors and General Characteristics **BEFORE** Alterations: _____

Number of Floors and Changes **WITH** Alterations: _____

IV. Calculations of building areas and lot coverage, GFA, sky plane (From Surveyor, Design Professional):

Existing square footage of buildings on your property: _____
Proposed increase of building coverage: _____
Square footage of your lot: _____
Percentage of coverage of your lot by building area (lot coverage) _____

Gross Floor Area (GFA) of single family dwelling including the attached garage and/or habitable detached accessory structure: *(Please refer to Chapter 280, Section 280-207 of the Town Code):* _____

For Residential lots, is project within the allowable **Sky Plane?** *(Please refer to Chapter 280, Section 280-208 of the Town Code):* _____

V. Purpose of New Construction: _____

VI. Please describe the land contours (flat, slope %, heavily wooded, marsh area, etc.) on your land and how it relates to the difficulty in meeting the code requirement (s): Describe on separate page if needed: _____

Please submit 8 sets of photos, labeled to show different angles of yard areas after staking corners for new construction, and photos of building area to be altered with yard view.

**QUESTIONNAIRE
FOR FILING WITH YOUR ZBA APPLICATION**

- A. Is the subject premises currently listed on the real estate market for sale?
_____Yes _____No
- B. Are there any proposals to change or alter land contours?
_____No _____Yes, please explain on separate sheet. _____
- C. 1.) Are there areas that contain sand or wetland grasses? _____
2.) Are those areas shown on the survey submitted with this application? _____
3.) Is the property bulk headed between the wetlands area and the upland building area?

4.) If your property contains wetlands or pond areas, have you contacted the Office of the **BOARD OF TRUSTEES** for its determination of jurisdiction? _____
Please confirm status of your inquiry or application with the Board of Trustees: _____
If issued, please attach copies of your permit listing conditions of approval with a copy of the approved survey.
- D. Is there a depression or sloping elevation near the area of proposed construction at or below five feet above mean sea level? _____
- E. Are there any patios, concrete barriers, bulkheads or fences that exist that are not shown on the survey that you are submitting? _____
If any of the aforementioned items exist on your property, please show them on a site plan.
- F. Are there any construction projects currently in process on your property? _____
If yes, please submit a copy of your building permit and survey as approved by the Building Department and please describe scope of work: _____
- G. Please attach **all pre-certificates of occupancy and certificates of occupancy** for the subject premises. If none exist, please apply to the Building Department to obtain them or to obtain an Amended Notice of Disapproval.
- H. Do you or any co-owner also own other land adjoining or close to this parcel? _____
If yes, please label the proximity of your lands on your survey and identify the Suffolk County Tax Map No. _____
- I. Please list present use or operations conducted at your property, and/or the proposed use

- J. (examples: existing single family, proposed: same with garage, pool or other)

Authorized signature

Date

1. The local Board will solicit comments from the owners of land identified above in order to consider the effect of the proposed action on their farm operation. Solicitations will be made by supplying a copy of this statement.
2. Comments returned to the local Board will be taken into consideration as part as the overall review of this application.
3. Copies of the completed Agricultural Data Statement shall be sent by applicant to the property owners identified above. The cost for mailing shall be paid by the Applicant at the time the application is submitted for review.

Board of Zoning Appeals Application

OWNER'S AUTHORIZATION

(Where the Applicant is not the Owner)

I, _____ residing at _____
(Print property owner's name) (Mailing Address)

_____ do hereby authorize _____
(Agent)

_____ to apply for variance(s) on my behalf from the

Southold Zoning Board of Appeals.

By signing this document, the Property Owner understands that pursuant to Chapter 280-146(B) of the Code of the Town of Southold any variance granted by the Board of Appeals shall become null and void where a Certificate of Occupancy has not been procured, and/or a subdivision map has not been filed with the Suffolk County Clerk, within three (3) years from the date such variance was granted. The Board of Appeals may, upon written request prior to the date of expiration, grant an extension not to exceed three (3) consecutive one (1) year terms. IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO ENSURE COMPLIANCE WITH THE CODE REQUIRED TIME FRAME DESCRIBED HEREIN.

(Owner's Signature)

(Print Owner's Name)

**APPLICANT/OWNER
TRANSACTIONAL DISCLOSURE FORM**

The Town of Southold's Code of Ethics prohibits conflicts of interest on the part of town officers and employees. The purpose of this form is to provide information which can alert the town of possible conflicts of interest and allow it to take whatever action is necessary to avoid same.

YOUR NAME : _____
(Last name, first name, middle initial, unless you are applying in the name of someone else or other entity, such as a company. If so, indicate the other person's or company's name.)

TYPE OF APPLICATION: (Check all that apply)

Tax grievance _____	Building Permit _____
Variance _____	Trustee Permit _____
Change of Zone _____	Coastal Erosion _____
Approval of Plat _____	Mooring _____
Other (activity) _____	Planning _____

Do you personally (or through your company, spouse, sibling, parent, or child) have a relationship with any officer or employee of the Town of Southold? "Relationship" includes by blood, marriage, or business interest. "Business interest" means a business, including a partnership, in which the town officer or employee has even a partial ownership of (or employment by) a corporation in which the town officer or employee owns more than 5% of the shares.

YES _____ NO _____

If you answered "YES", complete the balance of this form and date and sign where indicated.

Name of person employed by the Town of Southold _____

Title or position of that person _____

Describe the relationship between yourself (the applicant/agent/representative) and the town officer or employee. Either check the appropriate line A) through D) and/or describe in the space provided.

The town officer or employee or his or her spouse, sibling, parent, or child is (check all that apply) :

- _____ A) the owner of greater than 5% of the shares of the corporate stock of the applicant (when the applicant is a corporation)
- _____ B) the legal or beneficial owner of any interest in a non-corporate entity (when the applicant is not a corporation)
- _____ C) an officer, director, partner, or employee of the applicant; or
- _____ D) the actual applicant

DESCRIPTION OF RELATIONSHIP

Submitted this _____ day of _____, 20____

Signature _____

Print Name _____

AGENT/REPRESENTATIVE
TRANSACTIONAL DISCLOSURE FORM

The Town of Southold's Code of Ethics prohibits conflicts of interest on the part of town officers and employees. The purpose of this form is to provide information which can alert the town of possible conflicts of interest and allow it to take whatever action is necessary to avoid same.

YOUR NAME : _____
(Last name, first name, middle initial, unless you are applying in the name of someone else or other entity, such as a company. If so, indicate the other person's or company's name.)

TYPE OF APPLICATION: (Check all that apply)

Tax grievance _____	Building Permit _____
Variance _____	Trustee Permit _____
Change of Zone _____	Coastal Erosion _____
Approval of Plat _____	Mooring _____
Other (activity) _____	Planning _____

Do you personally (or through your company, spouse, sibling, parent, or child) have a relationship with any officer or employee of the Town of Southold? "Relationship" includes by blood, marriage, or business interest. "Business interest" means a business, including a partnership, in which the town officer or employee has even a partial ownership of (or employment by) a corporation in which the town officer or employee owns more than 5% of the shares.

YES _____ NO _____

If you answered "YES", complete the balance of this form and date and sign where indicated.

Name of person employed by the Town of Southold _____

Title or position of that person _____

Describe the relationship between yourself (the applicant/agent/representative) and the town officer or employee.

Either check the appropriate line A) through D) and/or describe in the space provided.

The town officer or employee or his or her spouse, sibling, parent, or child is (check all that apply) :

- _____ A) the owner of greater than 5% of the shares of the corporate stock of the applicant (when the applicant is a corporation)
- _____ B) the legal or beneficial owner of any interest in a non-corporate entity (when the applicant is not a corporation)
- _____ C) an officer, director, partner, or employee of the applicant; or
- _____ D) the actual applicant

DESCRIPTION OF RELATIONSHIP

Submitted this _____ day of _____, 20____

Signature _____

Print Name _____

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.

Part 1 - Project and Sponsor Information				
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?			NO	YES
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.				
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:				
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.				
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
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 No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? 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: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☐ Urban ☐ 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? ☐ NO ☐ YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ 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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE 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.

- ☐ 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.
- ☐ 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)

LWRP CONSISTENCY ASSESSMENT FORM

A. INSTRUCTIONS

1. All applicants for permits* including Town of Southold agencies, shall complete this CCAF for proposed actions that are subject to the Town of Southold Waterfront Consistency Review Law. This assessment is intended to supplement other information used by a Town of Southold agency in making a determination of consistency. **Except minor exempt actions including Building Permits and other ministerial permits not located within the Coastal Erosion Hazard Area.*
2. Before answering the questions in Section C, the preparer of this form should review the exempt minor action list, policies and explanations of each policy contained in the Town of Southold Local Waterfront Revitalization Program. A proposed action will be evaluated as to its significant beneficial and adverse effects upon the coastal area (which includes all of Southold Town).
3. If any question in Section C on this form is answered "yes", then the proposed action may affect the achievement of the LWRP policy standards and conditions contained in the consistency review law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to making a determination that it is consistent to the maximum extent practicable with the LWRP policy standards and conditions. If an action cannot be certified as consistent with the LWRP policy standards and conditions, it shall not be undertaken.

A copy of the LWRP is available in the following places: online at the Town of Southold's website (southoldtown.northfork.net), the Board of Trustees Office, the Planning Department, all local libraries and the Town Clerk's office.

B. DESCRIPTION OF SITE AND PROPOSED ACTION

SCTM# _____ - _____ - _____

The Application has been submitted to (check appropriate response):

Town Board ☐ **Planning Dept.** ☐ **Building Dept.** ☐ **Board of Trustees** ☐

1. Category of Town of Southold agency action (check appropriate response):

- | | | |
|-----|---|--------------------------|
| (a) | Action undertaken directly by Town agency (e.g. capital construction, planning activity, agency regulation, land transaction) | ☐ |
| (b) | Financial assistance (e.g. grant, loan, subsidy) | ☐ |
| (c) | Permit, approval, license, certification: | ☐ |

Nature and extent of action:

Location of action: _____

Site acreage: _____

Present land use: _____

Present zoning classification: _____

2. If an application for the proposed action has been filed with the Town of Southold agency, the following information shall be provided:

(a) Name of applicant: _____

(b) Mailing address: _____

(c) Telephone number: Area Code () _____

(d) Application number, if any: _____

Will the action be directly undertaken, require funding, or approval by a state or federal agency?

Yes ☐ No ☐ If yes, which state or federal agency? _____

DEVELOPED COAST POLICY

Policy 1. Foster a pattern of development in the Town of Southold that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development. See LWRP Section III – Policies; Page 2 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 2. Protect and preserve historic and archaeological resources of the Town of Southold. See LWRP Section III – Policies Pages 3 through 6 for evaluation criteria

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 3. Enhance visual quality and protect scenic resources throughout the Town of Southold. See LWRP Section III – Policies Pages 6 through 7 for evaluation criteria

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

NATURAL COAST POLICIES

Policy 4. Minimize loss of life, structures, and natural resources from flooding and erosion. See LWRP Section III – Policies Pages 8 through 16 for evaluation criteria

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 5. Protect and improve water quality and supply in the Town of Southold. See LWRP Section III – Policies Pages 16 through 21 for evaluation criteria

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 6. Protect and restore the quality and function of the Town of Southold ecosystems including Significant Coastal Fish and Wildlife Habitats and wetlands. See LWRP Section III – Policies; Pages 22 through 32 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 7. Protect and improve air quality in the Town of Southold. See LWRP Section III – Policies Pages 32 through 34 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 8. Minimize environmental degradation in Town of Southold from solid waste and hazardous substances and wastes. See LWRP Section III – Policies; Pages 34 through 38 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

PUBLIC COAST POLICIES

Policy 9. Provide for public access to, and recreational use of, coastal waters, public lands, and public resources of the Town of Southold. See LWRP Section III – Policies; Pages 38 through 46 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

WORKING COAST POLICIES

Policy 10. Protect Southold's water-dependent uses and promote siting of new water-dependent uses in suitable locations. See LWRP Section III – Policies; Pages 47 through 56 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 11. Promote sustainable use of living marine resources in Long Island Sound, the Peconic Estuary and Town waters. See LWRP Section III – Policies; Pages 57 through 62 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 12. Protect agricultural lands in the Town of Southold. See LWRP Section III – Policies; Pages 62 through 65 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

Attach additional sheets if necessary

Policy 13. Promote appropriate use and development of energy and mineral resources. See LWRP Section III – Policies; Pages 65 through 68 for evaluation criteria.

☐ Yes ☐ No ☐ Not Applicable

TOWN BOARD RESOLUTION 2022-809 – Adopted October 4, 2023

RESOLVED, that the Town Board of the Town of Southold hereby sets the Zoning Board of Appeals fee schedule as follows:

ZBA FEE SCHEDULE

Applications to the Board of Appeals for any relief herein shall be accompanied by a fee as hereinafter provided:

1. For area variance applications involving fences, accessory structures or accessory buildings, alterations or additions containing less than 200 square feet in floor area, the fee shall be **\$500.**
2. For area variance applications involving fences, accessory structures or accessory buildings, alterations or additions 200 square feet in floor area or more, the fee shall be **\$750.**
3. For applications containing more than one request, each additional variance request shall have a fee of **\$500.**
4. For applications for interpretations on appeal from an order, decision or determination of an administrative officer, the fee shall be **\$1,000.**
5. For applications for variances from Town Law § 280-a (rights-of-way), the fee shall be **\$800.**
6. For applications for re-hearings, the fees shall be as follows:
 - A. A rehearing necessitated by an Amended Notice of Disapproval the fee shall be **\$500.**
 - B. An amended decision requiring a hearing shall have a fee that is the same as the original fee.
 - C. Reopening the record for hearing on an Appeal that has been closed shall have a fee that is the same as the original application.
 - D. A hearing that has been re-calendared because it was adjourned without a date by the Zoning Board of Appeals after a public hearing shall have a fee of **\$250.**
 - E. A hearing that has been re-calendared because it was adjourned without a date by application request after a public hearing, shall have a fee of **\$500.**
 - F. A hearing that has been re-calendared because it was adjourned without a date by applicant after a legal notice has been posted, but prior to a public hearing shall have a fee of **\$250.**
8. For applications for a Special Exception Permit for a Bed and Breakfast, the fee shall be **\$1500.**
9. For applications for a Special Exception Permit for an Accessory Apartment located within an accessory structure, the fee shall be **\$1000.**
10. For all other Special Exception Permit applications involving property located in a residential zone, the fee shall be **\$1,500.**

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11. For all Special Exception Permit applications involving property located in a non-residential zone, the fee shall be **\$2,400.**
12. For applications for a waiver of lot merger, the fee shall be **\$2,000.**
13. **For all applications for a USE VARIANCE, the fee shall be \$2.000.**
14. For all applications for a variance of the provisions of Article XIX, Signs of this Chapter, the fee shall be **\$1,000** for each variance requested.
15. For applications for a Special Exception Permit for public utility structures and uses, the fee shall be **\$2,000.**
16. For a Reversal of Notice of Disapproval, the fee shall be **\$1,000.**

Application fees shall be doubled if improvements were completed without permits.

Zoning Board of Appeals application fees are nonrefundable.

PLEASE READ BELOW, NEW YORK STATE GUIDELINES:

**New York Consolidated Laws, Town Law - TWN § 267-b.
Permitted action by board of appeals**

1. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

2. **Use variances.** (a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(b) No 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 hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals 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; **(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; **(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.

(c) The board of appeals, 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.