

SOUTHOLD TOWN ZONING BOARD OF APPEALS

Phone (631) 765-1809

<https://www.southoldtownny.gov>

INSTRUCTIONS FOR GENERAL SPECIAL EXCEPTION PERMIT APPLICATION

Please submit NINE (9) collated sets with the Original signed set on top with check attached:

1. **Application:** Typed or neatly written, signed by the property owner and notarized to include a description of the use and activities requested in this Special Exception.
2. **Environmental Assessment Form:** (Short or Full form) completed and signed. The “Full form” may be requested after review of the application and will be reviewed by the Town’s Planning Department Staff, who will also determine if a State Environmental Quality Review (SEQRA) is necessary. This form is required by NYS Department of Environmental Conservation.
3. **ZBA Questionnaire:** Please complete and sign.
4. **Include: (a) Building Plans** with elevations, floor plan, height of new structure and location of entrance doors; **(b) up-to-date Certificate of Occupancy** of record issued by the Building Inspector; **(c) current deeds** are necessary for subdivision projects or projects on vacant land.
5. **Full Survey prepared, signed and sealed by a licensed surveyor/engineer:** showing all setbacks of existing and proposed structures, patios, driveways, parking, square footage and dimensions of lot, dimensions of new construction, fences, tanks, overhangs, chimneys, etc. (if your project involves total lot coverage at more than maximum allowed, please provide lot and building square footage calculations.) If wetlands are nearby, please give distance between new proposed construction and nearest wetlands, and delineate on the **dated, signed and sealed** survey/site plan. If a **Site Plan** (signed and sealed) is prepared by a licensed design professional, please also submit a current survey. PLEASE NOTE: ALL REVISIONS OF DESIGN PLANS SHALL INDICATE **REVISION DATES, AND SIGNED AND SEALED BY THE LICENSED DESIGN PROFESSIONAL.**
6. **For new construction, please flag** outside corners for on-site inspections as early as possible.
7. **Photographs** : Eight (8) sets (9 sets if waterfront) of photos (after staking outside corners if new construction proposed). Please label each with description of change, owner’s name and date taken.
8. **Transactional Disclosure Form:** signed by **owner, contract vendee, and agent signing** application stating their interest if any.
9. **Agricultural Data Form:** The department will notify the applicant of Suffolk Tax Map Nos. for any NYS Agricultural District properties within 500 feet radius of subject property, if applicable.
10. **LWRP:** 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 bank, bluff and shorelines. It is the 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.
11. **Cover Letter with a narrative describing the project proposed:** if agent is filing include with telephone, address and email address. In your narrative, please explain how the project meets required criteria pursuant to the Town Code.
12. **Filing fee check** payable to the “Town of Southold”. **\$1,500.00** in Residential Zoning District or **\$2,400.00** in Non-Residential Zoning District
13. **Site Plan Approval by the Planning Board:** Your application to the Board of Appeals for a Special Exception permit may also require site plan approval by the Planning Board. A variance may also be required. Please consult with the Building Department (Zoning Officer of the Town) to ask for assistance. If approvals are required from other agencies, to avoid delays please submit your application to the Building Department, the Planning Department and Zoning Board of Appeals, concurrently.
14. **Town Property Card:** Available from the Town Assessor’s Office

After the Board has reviewed and calendared your application for a public hearing, the ZBA Office will contact you for scheduling and requesting attendance at the meeting. We 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

Application for General Special Exception – Page 2

confirming the mailings and posting. The Applicant and/or Representatives are required to attend the Public Hearing. **The ZBA office will call (if an interior inspection is required) to arrange an appointment for the ZBA Board members to conduct an interior inspection prior to the hearing.**

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 may also require an amended Notice of Disapproval from the Building Department 765-1802.

ALL REVISIONS OF PROFESSIONAL DESIGN PLANS SHALL INCLUDE REVISION DATES, AS LICENCED PROFESSIONAL SEAL AND SIGNATURE.

IT IS THE APPLICANT/AGENT'S RESPONSIBILITY TO REVIEW THE CONTENTS OF THEIR ZBA OFFICE FILE FOR UPDATES ON ANY CORRESPONDENCE RECEIVED FROM NEIGHBORS AND/OR AGENCIES SUCH AS LWRP, COUNTY PLANNING, TRUSTEES, TOWN PLANNING ETC. PRIOR TO THE DATE OF ANY SCHEDULED PUBLIC HEARING. Thank you.

Version: 3/2024

ZONING BOARD OF APPEALS
TOWN OF SOUTHBOLD, NEW YORK
Phone (631) 765-1809
APPLICATION FOR GENERAL SPECIAL EXCEPTION

Applicant(s)/Owner(s): _____

Parcel Location: House No. _____ Street _____ Hamlet _____

Contact phone numbers: _____ Email: _____

SCTM No. 1000 Section _____ Block _____ Lot(s) _____ Lot Size _____ Zone District _____

hereby apply to THE ZONING BOARD OF APPEALS for a SPECIAL EXCEPTION in accordance with
the ZONING ORDINANCE, ARTICLE _____, SECTION _____, SUBSECTION _____

Please indicate Special Exception criteria/requirements are met, if any: _____

for the following uses and purposes: _____

As shown on the attached survey/site plan drawn to scale. **Site Plan review** [☐] IS or [☐] IS NOT required.

Name of Agent/Representative: _____ for (☐) Owner (☐) Other: _____

Address: _____

Telephone: _____ Email: _____

A. Statement of Ownership and Interest:

_____ is (are) the owner(s) of property known and referred

to as _____

(House No., Street, Hamlet)

identified on the Suffolk County Tax Maps as District 1000, Section _____, Block _____, Lot _____,

and shown on the attached deed. The above-described property was acquired by the owner on _____.

B. The applicant alleges that the approval of this exception would be in harmony with the intent and purpose of said zoning ordinance and that the proposed use conforms to the standards prescribed therefore in said ordinance and would not be detrimental to property or persons in the neighborhood for the following reasons:

C. The property which is subject of this application is zoned _____ and [☐] is consistent with the use(s) described in the Certificate of Occupancy (attach copy), or [☐] is not consistent with the Certificate of Occupancy being furnished herewith for the following reason(s):

Please indicate (check) whether premises is vacant land: [☐]

Zoning Board of Appeals - Page 2 - Application – Special Exception - General

General Standards, please answer the following as it pertains to your project:

- A. The use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts BECAUSE:
- B. The use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the requested use is located or of permitted or legally established uses in adjacent use districts BECAUSE:
- C. The safety, the health, the welfare, the comfort, the convenience or the order of the town will not be adversely affected by the proposed use and its location BECAUSE:
- D. The use will be in harmony with and promote the general purposes and intent of Chapter 280-142 BECAUSE
- E. The use will be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance BECAUSE:
- F. All proposed structures, equipment, and material shall be readily accessible for fire and police protection BECAUSE:
- G. The proposal shall comply with the requirements of Chapter 236, Storm-water Management BECAUSE:

By signing this document, the PROPERTY OWNER understands that pursuant to Section 280-141D [including 280-141D(1), D(2), D(3)] of the Code of the Town of Southold, a violation of any limitation or condition of a special exception approval or of any provision of this chapter applicable to a special exception use shall constitute a violation of this chapter. The Zoning Board of Appeals shall retain jurisdiction and shall have the right, after a public hearing, to modify, suspend or revoke such approval or any term or condition thereof or to impose thereon one or more new conditions, all on the grounds listed in Chapter 280-141D [including 280-141D(1), D(2), D(3)] of the Code of the Town of Southold. FURTHERMORE, IT IS THE PROPERTY OWNER'S RESPONSIBILITY TO ENSURE COMPLIANCE WITH THE TOWN CODE REQUIRED TIME FRAME. SEE CHAPTER 280-141C.

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

COUNTY OF SUFFOLK)

PRINT NAME

ss.:

STATE OF NEW YORK)

Sworn to before me this _____ day
of _____, 20_____

(Notary Public

Zoning Board of Appeals
APPLICANT'S PROJECT DESCRIPTION

Please complete sections below that apply

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 a residential dwelling on a residential lot, including the attached garage and/or habitable detached accessory structure: (Please refer to Chapter 280, Section 280-207 of the Town Code):

For Residential dwellings on 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 SPECIAL EXCEPTION
FOR FILING WITH YOUR ZBA APPLICATION**

- a) Has a determination been made regarding Site Plan review? ____ Yes ____ No
If no, please inquiry with the ZBA office. If site plan is required, you may apply to the Planning Dept. at the same time so both applications can be reviewed concurrently.
- b) Are there any proposals to change or alter land contours?
a. ____ No ____ Yes, please explain on attached sheet.
- c) Are there areas that contain sand or wetland grasses? _____
- d) Are those areas shown on the survey submitted with this application? _____
- e) Is the property bulk headed between the wetlands area and the upland building area?

- f) If your property contains wetlands or pond areas, have you contacted the Office of the Town Board of Trustees for its determination of jurisdiction? _____
Please confirm status of your inquiry or application with the Trustees: _____ and if issued, please attach copies of permit with conditions and approved survey.
- g) Is there a depression or sloping elevation near the area of proposed construction at or below five feet above mean sea level? _____
- h) Are there any patios, concrete barriers, bulkheads or fences that exist that are not shown on the survey that you are submitting? _____ Please show area of the structures on a diagram if any exist or state none on the above line.
- i) Do you have any construction taking place at this time concerning your premises? ____ If yes, please submit a copy of your building permit and survey as approved by the Building Department and please describe:

- j) Please attach all pre-certificates of occupancy and certificates of occupancy for the subject premises. If any are lacking, please apply to the Building Department to obtain copies of them.
- k) 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.
- l) Please list present use or operations conducted at this parcel _____
_____ and the proposed use _____
_____. (ex: existing single family, proposed: same with garage, pool or other or vacant proposed office with apartments above, etc.)

Authorized signature and Date

Print Name and Title (Owner, Representative)

**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 _____

**APPLICANT/AGENT
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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.

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- _____ 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 _____

Board of Zoning Appeals Application

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.

(Owner's Signature)

(Print Owner's Name)

**AGRICULTURAL DATA STATEMENT
ZONING BOARD OF APPEALS
TOWN OF SOUTHDOLD**

WHEN TO USE THIS FORM: *This form must be completed by the applicant for any special use permit, site plan approval, use variance, area variance or subdivision approval on property within an agricultural district OR within 500 feet of a farm operation located in an agricultural district. All applications requiring an agricultural data statement must be referred to the Suffolk County Department of Planning in accordance with Section 239m and 239n of the General Municipal Law.*

1. Name of Applicant: _____
2. Address of Applicant: _____
3. Name of Land Owner (if other than Applicant): _____
4. Address of Land Owner: _____
5. Description of Proposed Project: _____

6. Location of Property: (Road and Tax map number): _____
7. Is the parcel within 500 feet of a farm operation? { } Yes { } No
8. Is this parcel actively farmed? { } Yes { } No
9. Name and addresses of any owner(s) of land within the agricultural district containing active farm operations. Suffolk County Tax Lot numbers will be provided to you by the Zoning Board Staff. It is the Applicant's responsibility to obtain the current names and mailing addresses from the Town Assessor's Office (765-1937)

NAME and ADDRESS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

(Please use the back of this page if there are additional property owners)

Signature of Applicant

_____/_____/_____
Date

Note:

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.

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

Chapter 280. Zoning

Article XXV. Special Exception Uses

[Added 1-10-1989 by L.L. No. 1-1989]

§ 280-139. Purpose.

The provisions of this article are designed to provide for administrative review of selected types of proposed land uses. Certain uses which are allowable under zoning are nevertheless so likely to significantly affect their surroundings that they require individual review to assure compatibility with existing land use patterns, community character and the natural environment before being permitted to come into existence. Similarly, certain authorized uses may take on such diverse forms in their actual implementation that it is wise to review and pass upon the adherence of each individual proposal to standards and guidelines previously established for the use involved. Finally, the case-by-case review achieved by use of the special exception approval mechanism can increase the flexibility and appropriateness of local development review and better enable local officials to avoid negative consequences which sometimes arise from the otherwise lawful development or use of a particular site.

§ 280-140. Special exception uses; approval required.

[Amended 11-24-1992 by L.L. No. 22-1992]

There is hereby created a category of land use approval to be known as "special exception uses." Said uses may not be commenced, created, undertaken, carried out or thereafter maintained or substantially expanded without a special exception approval first having been obtained therefor, which special exception approval shall be granted for the use by the Zoning Board of Appeals according to the provisions for the particular special exception use set forth in this article or elsewhere in this chapter. Any land use, including the erection, construction, reconstruction, alteration, demolition, moving, conversion or change of use of any structure, shall be a special exception use requiring a special exception approval if the text of this chapter or the use schedule hereof denotes the use as being either the subject of a special exception approval or simply a special exception use. No building permit for any such special exception use shall be issued until the required special exception approval shall have been granted for the same and the conditions imposed in such approval as prerequisites to a building permit, if there be any, have been met.

§ 280-141. Application; hearing; approval; violations of conditions.

[Amended 4-10-1990 by L.L. No. 4-1990; 12-11-1990 by L.L. No. 29-1990; 6-15-1993 by L.L. No. 10-1993; 9-8-1993 by L.L. No. 19-1993; 1-16-2018 by L.L. No. 1-2018]

A. An application for a special exception approval shall be on the form for the same provided by the Zoning Board of Appeals and shall be submitted in triplicate to the Zoning Board of Appeals, which shall review the application for completeness and conformity with this chapter. The Zoning Board of Appeals shall reject the application if it is not complete or not in conformance with the Zoning Code and shall notify the applicant as to the reason for such rejection. Upon a determination by the Zoning Board of Appeals that the application is complete, the application shall be scheduled for a public hearing. The fee for a special exception shall be as set forth in § **280-149**.

B. Within 60 days following the close of the public hearing, the Board shall render a decision on the application.

C. Effect of approval. A special exception approval issued in accordance with the provisions of this article shall authorize only the special exception use for which the approval is granted; provided, however:

(1) No use which is not a special exception use hereunder shall be authorized by any such approval;

- (2) The approval may include reasonable conditions which the Zoning Board of Appeals determines to be necessary or appropriate to ensure that the applicable general and specific standards and safeguards set forth in this chapter for the use can and will be met and/or adhered to;
- (3) The Zoning Board of Appeals may condition the permit by requiring that the applicant actually complete construction and begin the approved special exception use in compliance with the conditions imposed by the Zoning Board of Appeals within a time period of from six months to three years;
- (4) If the Zoning Board of Appeals fails to specify a period to complete construction and begin the approved special exception use, the time period to complete construction and begin the approved special exception use shall be one year;
- (5) An application may be made and the Zoning Board of Appeals may grant, after holding a public hearing in accordance with § 280-150, an extension of the approval of up to one year. A continuing or permanent land use authorized by a special exception approval, which use is undertaken or begun in accordance with the Zoning Board of Appeals approval, shall thereafter be deemed a lawful use as if the same were permitted by this chapter without need for a special exception permit; provided, however, that:
- (a) All conditions imposed by the special exception approval shall continue to apply unless they, by their express terms, are of limited duration.
 - (b) All conditions imposed on special exception approval uses generally or specifically by this chapter shall continue to apply, regardless of whether any such conditions were expressly incorporated into the special exception approval.
 - (c) The Zoning Board of Appeals shall retain continuing jurisdiction over the same;
 - (d) The duration of a special exception use may be limited to a specified time period as set forth in the approval of the Zoning Board of Appeals; if the approval is silent as to the duration of the special exception use, then said use shall be in perpetuity;
 - (e) A special exception use which has been discontinued for a period of one year or more shall be deemed abandoned.

D. Violations of conditions. A violation of any limitation or condition of a special exception approval or of any provision of this chapter applicable to a special exception use shall constitute a violation of this chapter. The Zoning Board of Appeals shall retain jurisdiction and shall have the right, after a public hearing, to modify, suspend or revoke such approval or any term or condition thereof or to impose thereon one or more new conditions, all on the following grounds:

- (1) False statements or mistake of material fact: materially false or inaccurate statements in the application, supporting papers or supporting testimony or ignorance or misunderstanding of a material fact by the Board, which fact, had it been known to the Board at the time of its review, would have resulted in a denial of the approval sought.
- (2) Noncompliance with the terms and conditions of such approval: failure of the applicant-permittee to comply with any conditions or terms of the approval.
- (3) Activity beyond such approval: exceeding the scope of the activity, use or project as the same was described in the application.

§ 280-142. General standards.

[Amended 6-15-1993 by L.L. No. 10-1993]

No special exception approval shall be granted unless the Zoning Board of Appeals specifically finds and determines the following:

- A. That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
- B. That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located or of permitted or legally established uses in adjacent use districts.
- C. That the safety, the health, the welfare, the comfort, the convenience or the order of the Town will not be adversely affected by the proposed use and its location.
- D. That the use will be in harmony with and promote the general purposes and intent of this chapter.

E. That the use will be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.

F. That all proposed structures, equipment and material shall be readily accessible for fire and police protection.

G. That the proposal complies with the requirements of Chapter 236, Stormwater Management, or in the alternative, the Zoning Board of Appeals shall condition such approval on compliance with the requirements of Chapter 236, Stormwater Management.

[Added 2-14-2012 by L.L. No. 3-2012]

§ 280-143. Matters to be considered.

In making such determination, consideration shall also be given, among other things, to:

A. The character of the existing and probable development of uses in the district and the peculiar suitability of such district for the location of any of such permitted uses.

B. The conservation of property values and the encouragement of the most appropriate uses of land.

C. The effect that the location of the proposed use and the location that entrances and exits may have upon the creation or undue increase of vehicular traffic congestion on public streets, highways or sidewalks to assure the public safety.

D. The availability of adequate and proper public or private water supply and facilities for the treatment, removal or discharge of sewage, refuse or other effluent (whether liquid, solid, gaseous or otherwise) that may be caused or created by or as a result of the use.

E. Whether the use or the materials incidental thereto or produced thereby may give off obnoxious gases, odors, smoke or soot.

F. Whether the use will cause disturbing emissions of electrical discharges, dust, light, vibration or noise.

G. Whether the operation in pursuance of the use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing or if proposed by the Town or by other competent governmental agencies.

H. The necessity for bituminous-surfaced space for purposes of off-street parking of vehicles incidental to the use and whether such space is reasonably adequate and appropriate and can be furnished by the owner of the plot sought to be used within or adjacent to the plot wherein the use shall be located.

I. Whether a hazard to life, limb or property because of fire, flood, erosion or panic may be created by reason of or as a result of the use or by the structures to be used therefor or by the inaccessibility of the property or structures thereon for the convenient entry and operation of fire and other emergency apparatus or by the undue concentration or assemblage of persons upon such plot.

J. Whether the use or the structures to be used therefor will cause an overcrowding of land or undue concentration of population.

K. Whether the plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.

L. Whether the use to be operated is unreasonably near to a church, school, theater, recreational area or other place of public assembly.

M. Whether the site of the proposed use is particularly suitable for such use.

N. Whether adequate buffer yards and screening can and will be provided to protect adjacent properties and land uses from possible detrimental impacts of the proposed use.

O. Whether adequate provision can and will be made for the collection and disposal of stormwater runoff, sewage, refuse and other liquid, solid or gaseous waste which the proposed use will generate.

P. Whether the natural characteristics of the site are such that the proposed use may be introduced there without undue disturbance or disruption of important natural features, systems or processes and without risk of pollution to groundwater and surface waters on and off the site.

§ 280-144. Additional conditions and safeguards.

[Amended 6-15-1993 by L.L. No. 10-1993]

In deciding on any application for a special exception use, the Zoning Board of Appeals may impose such conditions and safeguards as it deems necessary or appropriate to preserve and protect the spirit and the objectives of this chapter.

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**.

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.