



TOWN of GREENBURGH

Community Development & Conservation

Zoning Board of Appeals Members

Paul Feiner
Supervisor
Garrett Duquesne, AICP
Commissioner
Kyra Jones
ZBA Secretary

Chairman Eve Bunting-Smith	Kristi Knecht
William Bland	Diane Ueberle
Louis Crichlow	Peter Blier (alternate)
Shauna Denkensohn	

ZONING BOARD OF APPEALS

AREA VARIANCES

USE VARIANCES

SPECIAL PERMITS

APPLICATION CONTENTS

1. GENERAL INFORMATION:

- a) General Information for Applicants
- b) Instructions to Applicants

2. FORMS:

- a) Fee Schedule
- b) Variance/Special Permit Application Form
- c) Affidavit of Ownership
- d) Environmental Clearance Form
- e) Short Environmental Review Assessment Form
- f) Slope Clearance Form
- g) Wetland/Watercourse Clearance Form
- h) Public Notice Mailing Form

3. REFERENCE INFORMATION:

- a) Town Law § 267-b, c
- b) Rules of Procedure of the Zoning Board of Appeals



TOWN of GREENBURGH

Zoning Board of Appeals

General Information for Applicants

The Zoning Board of Appeals of the Town of Greenburgh is empowered to do the following as provided by the Town Zoning Code:

- Grant variances from provisions of the Town Zoning Ordinance. Technically, variances are rulings on appeals from findings of the Building Inspector;
- Interpret provisions of the Town Zoning Code, when the exact meaning of the Code is unclear;
- Grant Special Permits.

Many applicants to the Board have raised questions about the Board's procedures, and particularly, what an applicant must do when he/she appears before the Board to argue his/her case. Listed below are some tips and answer to common questions. Please feel free to call the Department of Community Development and Conservation if you have additional questions that are not answered below.

Do I need an attorney to present my case to the Board?

The presence of any attorney is not required. An applicant may present his/her own case if he/she wishes. In many instances, particularly in more complicated cases, applicants have chosen to be represented by a professional, such as an attorney, a planning consultant, an architect, or a contractor, well versed in zoning matters. Sometimes an applicant will choose a relative or friend to represent him/her. This choice is entirely up to the applicant.

IF I AM SEEKING A ZONING VARIANCE, SHOULD I PRESENT EVIDENCE OF SUPPORT FROM MY NEIGHBORS? –

In all zoning cases, the Board schedules a hearing and notices of the hearing are sent to all neighbors within a 25—foot radius of the property. These neighbors may or may not choose to appear. However, the Board always welcomes the opinions of neighbors who may be affected by zoning variances. Therefore, while not required, support of such neighbors can be helpful to an applicant's case. If a supporting neighbor does not choose to appear, a letter indicating support for an application may be submitted as evidence, but should be submitted not less than ten (10) days prior to the scheduled Hearing.

IN CASES WHERE A VARIANCE IS SOUGHT FOR A CONSTRUCTION PROJECT, WHAT SUPPORTING EVIDENCE MUST I SUBMIT TO DESCRIBE THE PROJECT?

All applicants are required to submit transparencies for projecting the proposed plans on the wall of the Meeting Room. In addition, oral presentations are helpful to describe plans. In addition, drawings and photographs that show what the property will look like both before and after any planned construction will be helpful. Specific dimensions are required to describe the size of additions, decks, patios or other features. Where the slope of the lot is important to the location of any construction, an adequate description of the degree of slope and its location should be presented. Applicants are encouraged to have professionally prepared plans.

WHEN SHOULD I SUBMIT SUPPORTING EVIDENCE?

All applicants are encourage to state their reasons for seeking relief and supportive evidence in writing. As stated in the accompanying Board Rules of Procedure, all written evidences must where possible, be submitted not less than ten (10) days before the scheduled Hearing on their applications.

HOW CAN I BEST PREPARE MYSELF FOR AN APPEARANCE BEFORE THE ZONING BOARD?

The best preparation for a Zoning Board appearance is to attend a hearing before your own hearing is scheduled. By listening to the presentations and the questions asked by the Board, you will get a sense of the workings of the Board.

A Zoning Board, while quasi-judicial in nature, is still relatively informal. The Board goes out of its way not to be intimidating. After all, the members of the Board are all volunteers, and your neighbors.

WHEN AND WHERE ARE ZONING HEARINGS HELD?

Regularly scheduled Hearings are held on the 3rd Thursday of each month, at the Greenburgh Town Hall, with additional special meetings scheduled as required. Meetings start at 8:00 P.M. No Hearing of an individual case can start after 10:30 P.M., specifically permitted by the Board, which occurs only in unusual circumstances.

Presentation Materials – All applicants are encouraged to state their reasons for seeking relief and supportive evidence in writing. As stated in the accompanying Board Rules of Procedure, all written evidences must where possible, be submitted not less than then (10) days before the scheduled Hearing on their applications.

All applicants are required to submit transparencies for projecting the proposed plans on the wall of the Meeting Room. In addition, oral presentations are helpful to describe plans. In addition, drawings and photographs that show what the property will look like both before and after any planned construction will be helpful. Specific dimensions are required to describe the size of additions, decks, patios or other features. Where the slope of the lot is important to the location of any construction, an adequate description of the degree of slope and its location should be presented. Applicants are encouraged to have professionally prepared plans.

The presence of any attorney is not required. An applicant may present his/her own case if he/she wishes. In many instances, particularly in more complicated cases, applicants have chosen to be represented by a professional, such as an attorney, a planning consultant, an architect, or a contractor, well versed in zoning matters. Sometimes an applicant will choose a relative or friend to represent him/her. This choice is entirely up to the applicant.

Organize – Keep in mind that there are seven (7) members of the Zoning Board that will hear your case, as well as staff and neighbors that will review the case file. If you are going to be presenting materials such as maps or plans, or any other type of printed material you should make enough copies for everyone, as well as one for the Secretary. Additionally, if you have more than a couple of pieces, you should number all the pieces and refer to the number when you are referring to the printed material. This will allow all the members of the board to follow along with your presentation in an orderly manner. The last thing you want to see is board members flipping through papers trying to find what it is you are talking about.

Always speak through the chair – During your hearing there will be a time when the board will ask for public comment. You should **NEVER** attempt to address a member of the public directly. If you would like to comment on what a member of the public is saying, write down your comments, and at the appropriate time you may ask the Chairman to speak to the concerns of the public. When doing so, please speak directly to the board, and not the person(s) in the audience. Finally, you should understand that the Town of Greenburgh Zoning Ordinance is in place for the protection of the people of Greenburgh as a whole. There are strict criteria for granting a variance and in the end some variances will be denied. Please understand that the Town of Greenburgh Zoning Board of Appeals is made up of volunteers who care deeply about our town.

We make our decisions based on what we believe is best for the town we care so much about.



TOWN of GREENBURGH

Westchester County, New York

Zoning Board of Appeals Instructions for Applicants

All applications must be filed with the Secretary of the Zoning Board of Appeals in Town Hall.

1) **PRIOR TO APPLICATION SUBMISSION**

- a) **A pre-filing meeting is required for all applicants.** Contact Kyra Jones, Zoning Board Secretary: 914-989-1531 or e-mail kjones1@greenburghny.com to arrange a meeting. Bring any available materials, including a draft application, drawings, plans, etc. for discussion. Reviews will not be given without a scheduled appointment.
- b) **When submitting, all applications must be signed and notarized.** Be sure to allow enough time to arrange for a notary before the deadline.
- c) **Applications must include all required information** such as drawings, site plans, floor plans, and/or photographs to completely describe the request. (**See Requirements for ZBA submission Review, Checkoff List**).
- d) If someone other than the actual property owner submits an application, **a letter of authorization must be provided from the property owner.** This letter must give the applicant permission to appear before the Zoning Board of Appeals regarding the specific request.

2) **APPLICATION SUBMISSION**

- a) **Staff will review all applications. INCOMPLETE applications will not be scheduled.** Applications with incorrect or inadequate information will be returned to the applicant for corrections and will be scheduled for the next available meeting date.
- b) **All communication with ZBA members must be through the application and at public meetings.** Solicitation of members on an individual basis outside of these venues is inappropriate and prohibited.
- c) Applications to the ZBA **do not guarantee the request will be scheduled** until after the application is deemed complete.

3) **FILING DEADLINES**

- a) All applications must be submitted by 4:00 P.M., the 15th day of each month, for hearing on the 3rd Thursday of the following month. If the 15th falls on a weekend, applications will be accepted until 4:00 P.M. the following Monday.
- b) **Handing in an application by the 15th of the month does not guarantee that the case will be heard the following month. The actual scheduling of a case is subject to the Board's meeting calendar and the completion of hearing prior cases. When the case is scheduled to be on the Agenda the applicant and/or the representative will be contacted.**
- c) Any meeting for which nine (9) adjourned cases and/or timely applications have been received or appear on the Agenda, the calendar will be closed automatically.
- d) **THE COMPLETENESS AND ACCURACY OF THE APPLICATION IS THE SOLE RESPONSIBILITY OF THE APPLICANT. ANY DISCREPANCIES THAT ARISE ARE THE APPLANT'S RESPONSIBILITY TO CORRECT.**

REQUIREMENTS FOR ZONING BOARD OF APPEALS SUBMISSION REVIEW

	Applicants must submit one (1) original & eleven (11) collated copies of the entire application package for submissions , unless otherwise directed by staff, including:	Please Initial the box
1.	A. Documentation from Building Inspector - Denial Letter, Notice of Special Permit, Etc. B. ZBA Application Form; C. Affidavit of Ownership; D. Fee Sheet; E. Slope Clearance Form; <i>Slope Clearance Form <u>that have not been signed and approved by the Town Engineer will not be accepted.</u></i> F. Wetlands/Watercourse Clearance Form; <i>Wetlands / Watercourse Clearance Forms <u>that have not been signed and approved by the Environmental Planner will not be accepted.</u></i> G. Short Environmental Assessment Form; H. Environmental Clearance Form; I. Copy of all easements and restrictive covenants already placed and proposed to be placed on the plat. J. Photographs of the property at issue and all adjoining properties. (8 ½" x 11") K. Copies of written professional reports, including traffic studies, land planning studies, appraisals, floodplain analyses, economic forecasts or other written reports which the applicant wishes to present at the hearing. (note - the author of the study or a qualified representative of the entity who prepared the study must appear at the meeting and be available for cross-examination) L. Survey or Plot Plan - 11"x17" drawings are acceptable folded to 8 ½" x 11" ; (All large maps must be folded to 8 ½" x 11" with title box showing - Rolled Plans will not be not be accepted) i) Name of petitioner(s); ii) Title of petition (Variance/Special Permit); iii) The lot dimensions, buffer zones, landscaped areas, recreational areas, signs, rights of way, streams, wetlands, drainage and easements; iv) All existing and proposed buildings, additions, or other structures with their dimensions; v) Table of zoning data including zoning district, required setbacks, existing and proposed building coverage, impervious coverage, height, and other pertinent zoning restrictions, and specifying whether the existing and/or proposed improvements comply with the zoning requirements, or specify the degree of any noncompliance; vi) Landscaping Plan or mitigation plan Digital Copy - (1) of Survey and/or Plot Plan (8-1/2 X 11) PDF(s) emailed or saved to USB drive	
2.	Appropriate fees (see fee schedule). Please attach a completed fee schedule and separate checks for each section.	
3.	Public Notice, Affidavit of Mailing Form, Mailing List and Labels of Neighboring Properties – Once completed application materials and fees have been accepted, you will receive the following. Public Notice – A copy is prepared for the Applicant. Additional copies should be printed by the applicant for mailing. List of names and addresses of all owners of properties within <u>250 feet</u> of the perimeter of site. **Typed Labels –Prepared labels can be purchased \$85 or labels can be typed using Town provided list using (Avery #5160 label format) \$50. <i>Envelopes are not provided by the Town.</i> Signed affidavit – Submit as proof of mailing upon completion, by the specified deadline date – (10) days prior to the confirmed meeting date. Your Hearing Date Must Be Received Before Mailing Public Notices	

*** If any of the above-reference information is missing, the application will be deemed incomplete and returned to the applicant for proper completion.**



TOWN of GREENBURGH
WESTCHESTER COUNTY, NEW YORK
DEPARTMENT OF COMMUNITY DEVELOPMENT AND CONSERVATION
ZONING BOARD OF APPEALS

APPLICATION FORM

Paul Feiner
Supervisor
Garrett Duquesne,
AICP
Commissioner

DATE: _____

Section 1: Subject Property

Name or other identification of site (address): _____

Situated on the _____ side of _____ (Street), _____ feet
from the intersection of _____ (Street)

Parcel Lot ID: _____ **Total size area (sq. ft.)** _____ **Property is located in the** _____ **Zoning District.**

Section 2: Owner Information

Name: _____ Street: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Cell Phone : _____ Fax: _____ Email: _____

☐ **Attorney** ☐ **Engineer** ☐ **Other** _____

Section 3: Representative Information

Name: _____ Street: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Cell Phone : _____ Fax: _____ Email: _____

Section 4: Relief Sought:

1) Type of request for the Zoning Board of Appeals (Check all that apply):

- | | | |
|--|---|---|
| ☐ Area Variance | ☐ Use Variance | ☐ Appeal from Decision of Building Inspector |
| ☐ Sign Variance | ☐ Special Permit | ☐ Same/Similar Relief within 18 Months |

2) List variance or other modifications required. Variances must be verified in writing by the Building Inspector and attached hereto.

Zoning Code Reference _____ Variance sought _____

Zoning Code Reference _____ Variance sought _____

Zoning Code Reference _____ Variance sought _____

3) Have you or, to your knowledge, any previous owner or entity with an interest in this property, previously applied to the

Zoning Board of Appeals? ☐Yes ☐No
(Case Histories can be obtained from the Department of Community Development & Conservation, attach separate sheet if more room is needed)

If yes,	case number	_____	application for	_____	disposition	_____
	case number	_____	application for	_____	disposition	_____
	case number	_____	application for	_____	disposition	_____

IF YOU ARE REQUESTING AREA VARIANCES:

- A) Please describe whether any change will be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the requested area variance(s):
- _____
- _____
- _____
- B) Please describe whether the benefit sought can be achieved by some method, feasible to pursue, other than an area variance:
- _____
- _____
- _____
- C) Please describe whether the requested area variance is substantial in relation to the regulation sought to be varied:
- _____
- _____
- D) Please describe what impacts, if any, the proposed variance will have on the physical or environmental conditions in the neighborhood or district; and
- _____
- _____
- E) Please describe whether the alleged difficulty leading to this application was self- created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.
- _____

IF YOU ARE REQUESTING A USE VARIANCE:

- A)** Please describe why the applicant cannot realize a reasonable return from any use permitted in the District, provided that lack of return is substantial and is demonstrated by competent financial evidence. (Financial records and information will be needed to be submitted as part of the evidence.)

- B)** Please describe why the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

- C)** Please describe why the requested use variance, if granted, will not alter the essential character of the neighborhood.

- D)** Please describe whether the alleged hardship is self-created.

- 7)** Will this application involve land development or the subdivision of land?

Applications that involve land development or subdivision of land are referred to the Planning Board for review and recommendation. ☐ Yes ☐ No

- 8)** Is the action located on property within 500 feet of:

- | | | |
|---|------------------------------|-----------------------------|
| a) The boundary of an adjoining city, town or village | ☐ Yes | ☐ No |
| b) The boundary of an existing or proposed state or county park, recreation area or road right-of-way | ☐ Yes | ☐ No |
| c) An existing or proposed county drainage channel line | ☐ Yes | ☐ No |
| d) The boundary of state- or county-owned land on which a public building/institution is located | ☐ Yes | ☐ No |
| e) The boundary of a farm located in an agricultural district. | ☐ Yes | ☐ No |

- 9)** State the name, residence, nature and extent of the interest of any state officer or employee of the Town of Greenburgh in this application, pursuant to the provisions of §809 of the General Municipal Law of the State of New York.
-

NOTE: All of the submission requirements outlined in this application must be approved by the Secretary to the Zoning Board of Appeals prior to the application being accepted in form and content

Section 5: Acknowledgement

SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

Signature: _____ **Date:** _____

Further, I hereby give Town of Greenburgh Department of Community Development and Conservation and Building Department staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

Signature: _____ **Date:** _____

STATE OF NEW YORK)
) SS.:
COUNTY OF)

**On this day of in the year 20 , before me, the undersigned, a Notary Public in and for said State,
personally appeared , personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me
that he/she/they executed the same in his/her/their/ capacity(ies), and that by his/her/their signature(s) on the instrument, the
individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.**

Notary Public, State of New York

*** NOTE:** *If applicant is not the property owner, please attach a power of attorney letter, signed by the owner and notarized, authorizing the applicant to make this application.*

Staff Use Only**Date Submitted:**

Fee Paid: _____

File No.: _____

Date of Public Hearing _____

Pre-filing Staff Reviewer & Date _____

ZBA Action: _____

Pre-Filing Review: _____ **Staff Reviewer & Date:** _____

AFFIDAVIT OF OWNERSHIP

State of New York)ss.
County of Westchester)

_____ being duly sworn, deposes and says that (s)he resides at
_____ in the Town of _____ in the County
of _____ in the State of _____ that (s)he is the
owner in fee of all that piece or parcel of land situated and lying in the Town of Greenburgh
aforesaid and known and designated Parcel ID: _____ and that
(s)he hereby authorizes _____ to make
application in his/her (its) behalf and that the statement of facts contained in said application is true.

Signature of Owner

Sworn to me before this _____
Day of _____ 20 _____

Notary Public

TOWN OF GREENBURGH ZBA FEE SCHEDULE

*******This form is to be included in the Application Package*******

Residential Property	Fee		Totals
First requested variance	\$200		\$200
Each additional variance requested as part of the same application	\$100	X ____ # of variances requested	
Environmental Clearance Form	\$150		\$150
Wetlands/watercourse Clearance Form	\$100		\$100
Legal	\$100		\$100
Abutters Mailing Labels - If printed labels are provided OR if Applicant prints their own labels	\$85 \$50		\$85 \$50
Public Hearing Transcript & Hearing (Escrow)	\$400	separate check	\$400
		Total	
Residential - Appeals and Special Permits for Roomers & Boarders			
First requested variance	\$200		\$200
Each additional variance or Special permit as part of the same application	\$100	X ____ # of requests	
Environmental Clearance Form	\$150		\$150
Legal	\$100		\$100
Abutters Mailing Labels - If printed labels are provided OR if Applicant prints their own labels	\$85 \$50		\$85 \$50
Public Hearing Transcript & Hearing (Escrow)	\$400	separate check	\$400
		Total	
Commercial Property (Variances, Appeals and Special Permits)			
Special Permit	\$1000		\$1000
Each additional Special Permit as part of the same application	\$500	X ____ # of Special Permits	
First requested variance	\$1000		\$1000
Each additional variance requested as part of the same application	\$500	X ____ # of variances requested	
Environmental Clearance Form	\$150		\$150
Wetlands/watercourse Clearance Form	\$100		\$100
Legal	\$300		\$300
Abutters Mailing Labels - If printed labels are provided OR if Applicant prints their own labels	\$85 \$50		\$85 \$50
Public Hearing Transcript & Hearing (Escrow)	\$400	separate check	\$400
Communication Facility Applications (Escrow review) (separate check)	\$7,500		\$7,500
		Total	
Second Application for the same or Similar relief			
First requested variance	\$100		\$100
Each additional variance as part of the same application	\$50	X ____ # of variances	
Public Hearing Transcript & Hearing (Escrow)	\$400	separate check	\$400
		Total	
Application for adjournment case from a ZBA meeting			
First requested adjournment of a case	\$25		
Each additional adjournment request for a case	\$100		
***** Please include a separate check for each subtotaled portion of the application. ***** <u>All fees must be made payable to the "Town of Greenburgh"</u>			
Town of Greenburgh, Department of Community Development and Conservation – File Use			
	Date Received	Total	Staff initials
Zoning Board of Appeal Fees			
Escrow for Public Hearing and Escrow			

TOWN OF GREENBURGH
DISCLOSURE FORM TO ACCOMPANY CERTAIN APPLICATIONS*

1. This form relates to property located within the Town of Greenburgh. The street address of the property which is the subject of this application is:

Name of Applicant: _____

Address of Applicant: _____

Date(s) of Application(s): _____

Type(s) of Application(s): _____

Project Name: _____

2. Name and address of Owner(s) if different from Applicant: _____

3. Do any officers or employees of the State of New York, County of Westchester, Town of Greenburgh and/or Town of Greenburgh Agency have an interest** in the applicant or owner of the property? _____

If the answer is "yes", please identify the person(s) by name, residence and the nature of extend of such interest.

4. If the application is for a project involving site plan approval of five acres or more and/or for a change of zoning, and either or both the applicant or the owner, if different from the applicant, is not an individual or individuals, list the owners and officers of the corporation, limited liability corporation, partnership or other legal entity.

Name of Applicant Legal Entity: _____

Name(s) and Addresses of Applicant Owners*** and Officers:

*Every application, petition, or request submitted for a variance, amendment, change of zoning, site plan approval, approval of plat, exemption from a plat or official map, license, special permit or permit pursuant to the provisions of any ordinances, local law or rule constituting the zoning and planning of the Town of Greenburgh.

**For the purpose of this paragraph, an officer or employee shall be deemed to have an interest in an applicant when s/he, his or her spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them (a) is the applicant or (b) is an officer, director, partner of the applicant, or (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or (d) is a party to an agreement with such applicant, express or implied, whereby he or she may receive payment or other benefit whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.

***With respect to any corporation traded on the New York, American or other stock exchange, any person who is the owner of more than 5% of the outstanding shares of stock or any class of such a corporation, and with respect to other than a publically traded corporation, a limited liability company or other legal entity, any person who is an owner of more than 2% of the equity of such legal entity.

Name of Applicant: _____

Signature: _____

Date: _____



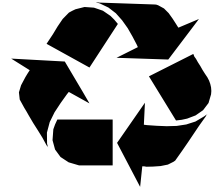
FRANK MORABITO
Commissioner of Public Works

**TOWN OF GREENBURGH
BUREAU OF ENGINEERING**

177 Hillside Avenue, White Plains, NY 10607

Office: (914) 989-1583 Fax: (914) 993-1639

Web Site: <http://www.greenburghny.com>



Greenburgh Recycles

JASON COPPOLA, P.E.

Town Engineer

C.J. GELARDO, P.E.

Deputy Town Engineer

APPLICATION PACKAGE: STEEP SLOPES

CONTENTS

- Slope Clearance Form - **Three (3) copies must be submitted**
- Steep Slope Law 245

Application fee required with submission of package:

Initial Review:	\$100.00
Subsequent Review of Same Application:	\$200.00

Please make check payable to the **Town of Greenburgh**



FRANK MORABITO
Commissioner Public Works

TOWN OF GREENBURGH DEPARTMENT OF PUBLIC WORKS

Bureau of Engineering
177 Hillside Avenue, Greenburgh, NY 10607
Office (914) 989-1583 Fax (914) 993-1639
Web Site HTTP://www.greenburghny.com



JASON COPPOLA, P.E.
Town Engineer
C.J. GELARDO, P.E.
Deputy Town Engineer

SLOPE CLEARANCE FORM

THIS FORM MUST BE COMPLETED BY A LICENSED PROFESSIONAL (P.E., L.S. or R.A.)

UNLESS AN EXEMPTION IS CLAIMED AS PER § 245-11 OF THE TOWN CODE

For a complete submission, please submit the following: (Incomplete submissions will be returned without review)

- Three (3) copies of this Slope Clearance Form;
- Three (3) copies of a Site Plan, which includes two (2) foot topographical contours. Site topography must be cross-hatched or colored to differentiate each individual slope category noted in parts 5 & 6 below.
(If property slopes are certified to be limited to less than 15%, (2) foot topographic contours need not be shown on the site plan, unless requested);
- Show a delineation of the disturbed area for the proposed project on the site plan. The disturbed area should include any and all disturbance during construction, not just the final footprint;
- Initial Fee: \$100.00 (Re-Review Fee: \$200) Please make check payable to Town of Greenburgh

Owner Information:

Name: _____ Street: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ Alt. Telephone: _____ Email: _____

Applicant Information:

Name: _____ Street: _____
City: _____ State: _____ Zip Code: _____
Telephone: _____ Alt. Telephone: _____ Email: _____

Subject Property:

Name, address, or other identification of site: _____
Situated on the _____ side of _____ (Street) _____ feet from the
intersection of: _____ (Street)

PARCEL ID # _____ Total Site area (sq ft): _____

Proposed Action:

1) Type of Approval(s) Sought:

2) Description of Proposed Action: _____

3) Are there any rights-of-way, easements, restrictive covenants or conditions of approval which encumber the property? If so, please indicate the nature of these restrictions and supply three (3) copies of the legal instrument (i.e. deed, covenant, conservation easement, approval letter, etc.) which created this restriction.

NOTE: The completion of this Slope Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.

4) Estimated Quantity of Earthwork: Excavation: _____ yds ³ Imported Fill: _____ yds ³		
5) Slope Categories for Lot Area: Total Lot Area: _____ (sq. ft.) Slope Category: 0%-15% _____ sq. ft. 15%-25% _____ sq. ft. 25%-35% _____ sq. ft. 35%+ _____ sq. ft.		
6) Slope Categories for Disturbed Area: Total Disturbed Area: _____ (sq. ft.) Slope Category: 0%-15% _____ sq. ft. 15%-25% _____ sq. ft. 25%-35% _____ sq. ft. 35%+ _____ sq. ft.		
7) Buildable Area: _____ sq. ft. Wetland/Watercourse Area: _____ sq. ft. Buildable Area: To calculate buildable area, the lot area (indicated in section 5, above) shall be reduced by the sum of the following four slope and wetland area components, as defined in Zoning Code § 285-39E - Lot and bulk requirements: Areas of steep (15%-25%) slopes x 0.20; Areas of very steep (25%-35%) slopes x 0.50; Areas of excessively steep (35%+) slopes x 0.75; Areas of wetlands and watercourses x 0.75.		
8) Professional of Record: (P.E., L.S., or R.A.)		
Name: _____ Street: _____ City: _____ State: _____ Zip Code: _____ Telephone: _____ Alt. Telephone: _____ Fax: _____ Email: _____ License Number: _____ License Type: _____		
Professional's Signature Date	For Use By The Bureau of Engineering	
_____ Signature of Applicant	_____ Print Applicant's Name	_____ Date
_____ Signature of Owner	_____ Print Owner's Name	_____ Date

NOTE: The completion of this Slope Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh.



**TOWN OF GREENBURGH
DEPARTMENT OF PUBLIC WORKS
Bureau of Engineering**

177 Hillside Avenue, Greenburgh, NY 10607 Office (914) 989-1583 Fax (914) 993-1639
Web Site HTTP://www.greenburghny.com



FRANK MORABITO
Commissioner of Public Works

SUPPLEMENTAL INSTRUCTIONS

JASON COPPOLA, P.E.
Town Engineer

C.J. GELARDO, P.E.
Deputy Town Engineer

These instructions are intended to supplement the instructions on the Slope Clearance Form itself. If there are any questions you may have, please call the Bureau of Engineering. A properly completed Slope Clearance Form contributes to a swift review of the application.

Owner Information: Enter the name address and contact information of the owner here. A renter or lessee cannot be entered as the *Owner Information*.

Applicant Information: Enter the name address and contact information of the applicant here. The applicant can be a renter, lessee, contractor, design professional, or anyone deemed to be the representative for the proposed action.

1) Approvals Sought: Enter all the approvals sought such as: Wetlands/Watercourse Clearance, Stormwater Management Permit, Building Permit, Demolition Permit, Fill Permit, Street Opening Permit, Planning Board Approval, Zoning Board Approval, Town board Approval.

2) Proposed Action: Generally describe what the project will entail.

3) Right-of-way, Easements, etc: This information can be found in the property deed and/or a land survey of the subject property.

4) Estimated Quantity of Earthwork: The volume excavation should be stated in cubic yards (1 cubic yard is equal to 27 cubic feet). **Excavation of manmade materials must be included (i.e. paths, driveways, patios, etc).** The fill portion of this section should also be stated in cubic yards. If 100 yd³ or more of fill material is to be imported from areas outside the subject property, a fill permit also needs to be completed.

5) Slope Categories for Lot Area: In this section, the analyses of pre-construction slopes are to be summarized. Enter the total lot area (square feet) in the *Lot Area* section and sort the total area in specific terms of slopes. If the proposed action does not affect the floor area ratio, then only the *Lot Area* in this section needs to be completed.

Example:

5) Slope Categories for Lot Area:

Total Lot Area: 10,000 (sq. ft.)

Slope Category: 0%-15% 3,000 sq. ft. 15%-25% 2,000 sq. ft. 25%-35% 3,500 sq. ft. 35%+ 1,500 sq. ft.

The sum of the categories equal the lot area

6) Slope Categories for Disturbed Areas: In this section, the analyses of pre-construction slopes that will be affected are to be summarized. Enter the total area (square feet) of disturbance in the *Total Disturbed Area* section and sort the total area in specific terms of slopes.

7) Wetland/Watercourse Area: The amount of wetland and/or watercourse area (in square feet) that exists of the site.

Buildable Area: The instructions for this portion are on the form itself.

8) Professional of record: Projects with a disturbed area less than 500 square feet are exempt.

Design Professionals are typically New York State Licensed Engineers, Architects, and certain Land Surveyors. The design professional should be acting within the definitions of professional practice as noted in Articles 145, 147, and 148 of the New York State Education Law.

Owner and Applicant Signatures: This portion must be completed by the Owner and Applicant stated earlier in the form.



Paul J. Feiner
Supervisor

TOWN of GREENBURGH
DEPARTMENT OF COMMUNITY
DEVELOPMENT AND CONSERVATION

177 Hillside Avenue, Greenburgh, NY 10607

Office: (914) 989-1530

Web Site <http://www.greenburghny.com>

WCF#

- ☐ File Copy
☐ Building Dept.
☐ Applicant Copy

Garrett Duquesne, AICP
Commissioner
Aaron Schmidt
Deputy Commissioner

WETLAND/WATERCOURSE CLEARANCE FORM

For a complete submission, please submit the following: (INCOMPLETE SUBMISSIONS WILL BE RETURNED)

- Three (3) copies of this Wetland/Watercourse Clearance Form;
- Three (3) copies of a Site Plan identifying the area of proposed work, and a delineation of the disturbed area for the proposed project. The disturbed area should include any and all disturbance during construction, not just the final footprint;
- Initial Fee: \$100.00 Subsequent Review Fee: \$50 Please make check payable to Town of Greenburgh

I) Owner Information

Name: _____ Street: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

II) Applicant Information

Name: _____ Street: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

III) Subject Property

1) Address: _____ City: _____ Zip: _____
2) Parcel ID#: _____ Zoning District: _____ Total site area (sq. ft.): _____
3) Is there an existing structure (i.e. home or building) located on the site? Yes ☐ No ☐ Year(s) Built: _____

IV) Approval(s)

1) Type of Approval(s) sought (i.e. Building Permit, Site Plan, etc.): _____

V) Proposed Action and Site Characteristics

- 1) Description of Proposed Action (i.e. building addition, new pool, etc.): _____
- 2) Is the subject property located within a Conservation District? Yes ☐ No ☐
- 3) Are there any rights-of-way, easements, restrictive covenants or conditions of approval which encumber the property? If so, please indicate the nature of these restrictions and supply three (3) copies of the legal instrument (i.e. deed, covenant, conservation easement, approval letter, etc.) which created this restriction.
- 4) Have any wetland/watercourse permit application been made with respect to this property under Chapter 280 of the Greenburgh Town Code? If so, please give the date, name and case number of such application.
Yes ☐ No ☐ If yes: _____
- 5) Square Footage of Disturbed Area (as provided for on Site Plan): _____ sq. ft.
- 6) Estimated Quantity of Excavation/ Fill: Excavation: _____ yards³ Imported Fill: _____ yards³
- 7) Are Hydric Soil Types on the property? Yes ☐ No ☐ If yes, what types: _____
- 8) Approximately what percentage of the property is: Well Drained: _____ % Poorly Drained: _____ %
- 9) Are there any trees 4-inches or greater in diameter proposed for removal as part of this work? Yes ☐ No ☐
a) If yes, how many? _____
- 10) Has the property ever been used for the disposal of solid waste or hazardous waste? Yes ☐ No ☐

VI) New York State Requirements

- 1) Is work proposed in a wetland or within 100 feet of a wetland area? Yes ☐ No ☐
- a) If yes, has a Jurisdictional Determination been made by the New York State Department of Environmental Conservation for this project? Yes ☐ No ☐ If yes, please provide a copy.
- i) If no, you **MUST** submit a request for Jurisdictional Determination to the New York State Department of Environmental Conservation.

If required, you MUST obtain a wetland permit from the New York State Department of Environmental Conservation PRIOR to any Planning Board action. If one has been obtained, please provide a copy.

- 2) Does the property contain any species of plant or animal life listed as rare, threatened, or endangered by New York State, the New York State Natural Heritage Program, or the United States of America? Yes ☐ No ☐
- If yes, please identify each species and its status as classified by New York State, the New York State Natural Heritage Program, or the United States of America:

VII) Project Information

- 1) Is work proposed in a (*Check all that apply*): Wetland ☐ Watercourse ☐ Adjacent Buffer Area ☐ N/A ☐
- 2) Total area of Wetland, Watercourse, and Adjacent Buffer Area on the property: _____ sq. ft.
- 3) Total area of disturbance in Wetland, Watercourse,
and Adjacent Buffer Area on the property: _____ sq. ft.
- 4) Functions provided by Wetland or Watercourse: _____
- 5) Name and phone number of expert delineating Wetland or Watercourse: _____
- 6) Plans Prepared by: _____ License #: _____ Dated: _____ Revised: _____

VIII) Authorizations and Certifications

I/we hereby indemnify and hold the Town or its representatives harmless against any damage or injury and that the owner and applicant consent to the approval authority's (including its agents or employees) entry upon lands or waters for the purpose of undertaking any investigations, inspections, examination, survey, or other activity outlined in Chapter 280 of the Town Code of Greenburgh.

I/we hereby are aware that false or misleading statements or information provided on the clearance form or to the approval authority shall result in the invalidation of any authorization. The applicant shall be subject to the penalties and sanctions set forth in this chapter for any activities conducted which would have otherwise required a wetland/watercourse activity permit.

Signature of Owner

Print Owner's Name

Date

Signature of Applicant

Print Applicant's Name

Date

NOTE: The completion of this Wetland/Watercourse Clearance Form does not confer any rights, privileges, licenses, permits or other entitlement upon the applicant and does not relieve the applicant from compliance with all other applicable laws, rules and regulations of the Town of Greenburgh. Additional fees including an escrow fee may be applicable if there is proposed work in a Wetland/Watercourse or Adjacent Buffer Area.

Chapter 280, WETLANDS AND WATERCOURSES

§ 280-6. Authorized clearance form required

A. All applications for any permit issued by the Building Department, Department of Public Works, Antenna Review Board, Town Board, Planning Board, or Zoning Board of Appeals of the Town of Greenburgh must be accompanied by an authorized wetland/watercourse clearance form. An applicant must provide sufficient information to enable the Wetland Inspector or other authorized representative to properly determine if the proposed activity is an allowable activity, as defined herein, or use that does not also require an activity permit; is a prohibited activity; or is a regulated activity or use which requires an activity permit as issued by the Planning Board in accordance with the standards and procedures set forth herewith. No permits, certificates of occupancy, or temporary certificates of occupancy may be issued without prior approval of the Planning Board for any project involving a wetland/watercourse permit.

For Official Use Only



TOWN of GREENBURGH

Community Development & Conservation

Paul Feiner
Supervisor

ENVIRONMENTAL CLEARANCE FORM

Garrett Duquesne, AICP
Commissioner
Aaron Schmidt
Deputy Commissioner

Name of Application:

Applicant:

Name: _____ Street: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

Subject Property:

Name or other identification of site: _____
Streets which site abuts: _____
Parcel ID#: _____ Zoning District: _____ Total site area (sq. ft.): _____

Proposed Action:

A. State Type I Actions - This Type I list, is not an exhaustive list of those actions that an agency determines may have a significant effect on the environment and may require the preparation of an EIS. Therefore, the fact that an action or project has not been listed as a Type I action does not carry with it the presumption that it will not have a significant effect on the environment. This list is provided as a convenience. Please check 6 NYCRR Part 617 for further information on classifying the type of action. **(Please check all items that apply)**

1. The following changes in the allowable uses within any zoning district, affecting 25 or more acres of the district:
(a) Authorizing industrial or commercial uses within a residential or agricultural district; or
(b) Authorizing residential uses within an agricultural district. ☐
2. The granting of a zoning change at the request of an applicant for an action that meets or exceeds one or more of the thresholds given in other sections of this list. ☐
3. Construction of new residential units which meet or exceed the following thresholds:
(a) Fifty units not to be connected (at commencement of habitation) to community or publicly owned utilities.
(b) In a city, town or village having a population of less than 150,000, 200 units to be connected (at the commencement of habitation) to community or publically owned utilities. ☐
4. Construction of new nonresidential facilities which meet or exceed any of the following thresholds; or the expansion of existing nonresidential facilities by more than 50% of any of the following thresholds:
(a) A project or action which involves the physical alteration of 10 acres. ☐
(b) A project or action which would use ground or surface water in excess of 2,000,000 gallons per day. ☐
(c) In a city, town or village having a population of 150,000 persons or less, parking for 500 vehicles. ☐
(d) In a city, town or village having a population of 150,000 persons or less, a facility with more than 100,000 square feet of gross floor area. ☐
5. Any structure exceeding 100 feet above original ground level in a locality without any zoning regulation pertaining to height. ☐
6. Any action (unless the action is designed for the preservation of the facility or site) occurring wholly or partially within or contiguous to any facility or site listed on the National Register of Historic Places or any historic building, structure or site or prehistoric site that has been proposed by the Committee on the Register for consideration by the New York State Board on Historic Preservation for a recommendation to the State Historic Officer for nomination for inclusion in said National Register. ☐
7. Any project or action, which exceeds 25% of any threshold in this section, occurring wholly or partially within or substantially contiguous to any publicly owned or operated parkland, recreation area or designated open space. ☐
8. Other per 617.4 SEQRA Regulations _____ ☐

B. Local Type I - Activities located in: (Please check all items that apply)

- | | |
|---|--------------------------|
| 1. Freshwater wetlands, as defined in the Chapter 280 of the Code of the Town of Greenburgh | ☐ |
| 2. Floodplains, as defined in Article 36 of the Environmental Conservation Law. | ☐ |
| 3. Areas with slopes of 20% or greater where development would impact same. | ☐ |
| 4. Tarrytown Lakes, watershed area. | ☐ |
| 5. Hilltops at or above 400 feet elevation | ☐ |

C. Unlisted Action. Unlisted actions that do not meet the Type I thresholds, however some actions may still require an EIS. Some examples: nonresidential projects physically altering less than 10 acres of land, adoption of regulations, ordinances, local laws and resolutions that may affect the environment

☐

D. State Type II actions. Action will in no case have a significant effect on the environment based on the criteria contained in Section 617.11 and any additional criteria contained in its procedures adopted pursuant to Section 617.4. This list is provided as a convenience. Please check 6 NYCRR Part 617 for further information on classifying the type of action. **(Please check all items that apply)**

- | | |
|--|--------------------------|
| 1. The granting of individual setback and lot line variances. | ☐ |
| 2. Construction or placement of minor structures accessory or appurtenant to existing facilities, including garages, carports, patios, home swimming pools, fences, barns or other buildings not changing land use or density. | ☐ |
| 3. Street openings for the purpose of repair or maintenance of existing utility facilities. | ☐ |
| 4. Agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures and land use changes consistent with generally accepted principles of farming. | ☐ |
| 5. Repaving of existing highways not involving the addition of new travel lanes. | ☐ |
| 6. Installation of traffic control devices on existing streets, roads and highways. | ☐ |
| 7. Public or private forest management practices other than the removal of trees or the application of herbicides or pesticides. | ☐ |
| 8. Minor temporary uses of land having negligible or no permanent effect on the environment | ☐ |
| 9. Replacement of a facility, in kind, on the same site unless such facility meets any of the thresholds in Section 617.12. | ☐ |

Involved Agencies

1) Is the action located on property within 500 feet of:

a) The boundary of an adjoining city, town or village Yes ☐ No ☐

If yes, which municipality?

b) The boundary of an existing or proposed state or county park, recreation area or road right-of-way Yes ☐ No ☐

If yes, who has jurisdiction? Westchester County ☐ NYSDOT ☐ NYSOPRHP ☐

c) An existing or proposed county drainage channel line Yes ☐ No ☐

d) The boundary of state- or county-owned land on which a public building/institution is located Yes ☐ No ☐

e) The boundary of a farm located in an agricultural district. Yes ☐ No ☐

2) Will a sewer district have to be expanded for the project? Yes ☐ No ☐

If yes, which district?

Relationship to other actions:

1) List any related action that may be undertaken as a result of this proposed action:

2) List any actions, which are dependent upon this proposed action, and therefore should be reviewed as a part of this action (e.g., house construction in the case of a residential subdivision):

Signature of Applicant

Print Applicant's Name

Date

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 Yes, does the existing system have capacity to provide service? ☐ NO ☐ YES] If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? [If Yes, does the existing system have capacity to provide service? ☐ NO ☐ YES] 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

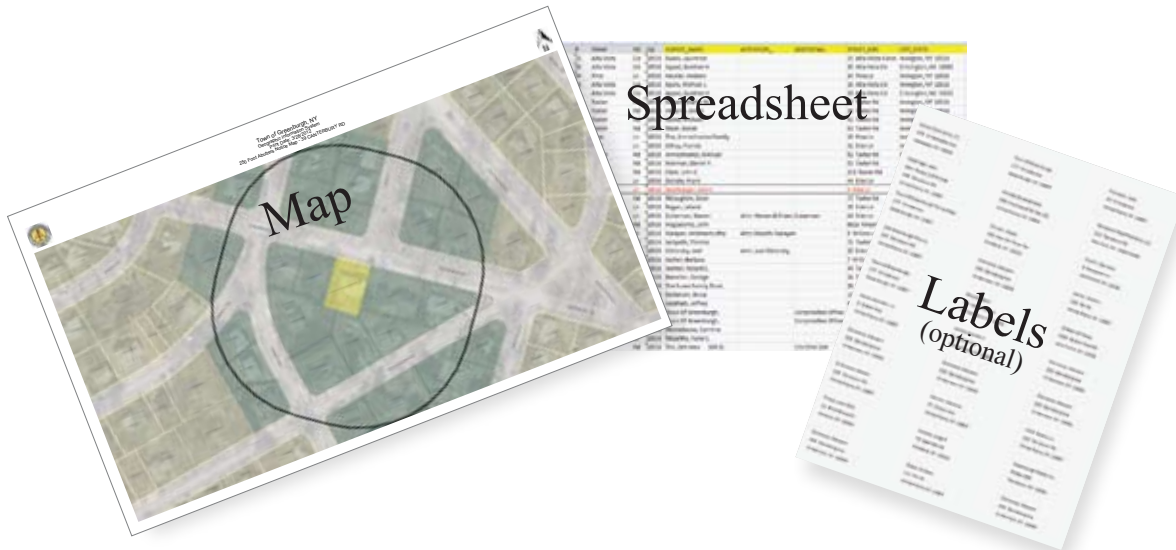
Signature of Preparer (if different from Responsible Officer)

TOWN OF GREENBURGH CD&C DEPARTMENT

ABUTTER'S NOTICE ORDER FORM

(One form per radius)

Form updated as of 1-7-26



Community Development and Conservation will provide the following:

1. Map, (8.5x 11) or digital PDF similar to above, including:
Subject property, buffer outline, properties within buffer highlighted,
and Section, Sheet, Block, and lot.*
2. Spreadsheet (Excel) listing names and addresses of owners within buffer.**
3. Creation of ownership labels within buffer (Optional).

* If buffer area is too large, multiple copies may be needed.

** Ownership data is believed accurate but not warranted and provided "as is". Assessor's office is not responsible for ownership differences that may occur, due to linking of data to map, normal deed processing time, or any other outside influence that may reflect a difference between data provided and actual ownership.

Information

Date: _____

Owner's Name: _____

Property Address: _____

Account Number:
or SBL (Required) _____

Name of Firm or Representative(if any): _____

Address of Representative or contact person: _____

Contact name and phone number: _____

(check one)

- ☐ Will pick up data. (paper copies only)
- ☐ Would like data mailed via USPS. (paper copies only)
- ☐ Would like data emailed. (digital copies only)
- (Owners list in an Excel file; map and optional labels in PDF Documents)

Email address: _____

☐ Opting out of service but would like digital map showing radius.(\$5.00)

Pricing

(Check all that apply)

☐ Owners (Excel file & Map) within: \$50.00 \$ _____
☐ 250' ☐ 500'

☐ Mailing labels (up to 500') formatted as Avery 5160 \$35.00 \$ _____

☐ Will pick up data (paper copies only) \$ 0.00 \$ _____ 0.00

☐ Data to be mailed (paper copies only) \$ 2.00 \$ _____

☐ Data to be emailed (digital data only) \$ 0.00 \$ _____ 0.00

Please make check payable to Town of Greenburgh
and indicate on memo line:"Abutter's notice".

Total: \$ _____

Total payment required prior to any
commencement of work. Please allow up
to five business days to process request.

Ownership data, generated from this
request, to be used, solely, for Town
related business. Not intended for
solicitation.



Mail to:
Town of Greenburgh Department of
Community Development & Conservation
177 Hillside Avenue
White Plains, NY 10607

New York State Statute - Town Law

§ 267. Zoning board of appeals.

1. Definitions. As used in this section:

- (a) "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.
- (b) "Area variance" shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

- 2. Appointment of members. Each town board which adopts a local law or ordinance and any amendments thereto pursuant to the powers granted by this article shall appoint a board of appeals consisting of three or five members as shall be determined by such local law or ordinance and shall designate the chairperson thereof. In the absence of a chairperson the board of appeals may designate a member to serve as acting chairperson. The town board may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the town board for such purpose. In making such appointments, the town board may require board of appeals members to complete training and continuing education courses in accordance with any local requirements for the training of such members.
- 3. Town board members ineligible. No person who is a member of the town board shall be eligible for membership on such board of appeals.
- 4. Terms of members first appointed. In the creation of a new board of appeals, or the reestablishment of terms of an existing board, the appointment of members to the board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a term which shall be equal in years to the number of members of the board.
- 5. Terms of members now in office. Members now holding office for terms which do not expire at the end of a year shall, upon the expiration of their term, hold office until the end of the year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the board.
- 6. Increasing membership. Any town board may, by local law or ordinance, increase a three member board of appeals to five members. Additional members shall be first appointed for single terms as provided by resolution in order that the terms of members shall expire in each of five successive years and their successors shall thereafter be appointed for full terms of five years. No such additional member shall take part in the consideration of any matter for which an application was on file with the board of appeals at the time of his or her appointment.
- 7. Decreasing membership. A town board which has increased the number of members of the board of appeals to five may, by local law or ordinance, decrease the number of members of the board of appeals to three to take effect upon the next two expirations of terms. Any board of appeals which, upon the effective date of this section has seven members, may continue to act as a duly constituted zoning board of appeals until the town board, by local law or ordinance, reduces such membership to three or five. However, no incumbent shall be removed from office except upon the expiration of his or her term.
- 8. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the town board shall appoint the new member for the unexpired term.
- 9. Removal of members. The town board shall have the power to remove, after public hearing, any member of the zoning board of appeals for cause. Any zoning board of appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the town board by local law or ordinance.
- 10. Chairperson duties. All meetings of the board of appeals shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her absence, the acting chair person, may administer oaths and compel the attendance of witnesses.
- 11. Alternate members.
 - (a) A town board may, by local law or ordinance, or as a part of the local law or ordinance creating the zoning board of appeals, establish alternate zoning board of appeals member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the zoning board of appeals shall be appointed by resolution of the town board, for terms established by the town board.
 - (b) The chairperson of the zoning board of appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board.

When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution is made.

- (c) All provisions of this section relating to zoning board of appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.

Note:

- For a complete discussion of zoning board of appeals powers and duties under this statute and applicable court decisions, see DOS Local Government Technical Series publication "Zoning Board of Appeals."
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§ 267-a. Board of appeals procedure.

1. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in article seven of the public officers law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board of appeals shall be filed in the office of the town clerk within five business days and shall be a public record.
3. Assistance to board of appeals. Such board shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the town board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.
4. Hearing appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the board of appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this article. The concurring vote of a majority of the members of the board of appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to grant a use variance or area variance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the town.
5. Time of appeal. Such appeal shall be taken within sixty days after the filing in the town clerk's office of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of such ordinance or local law by filing with such administrative official and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.
6. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.
7. Hearing on appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the town at least five days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
8. Time of decision. The board of appeals shall decide upon the appeal within sixty-two days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.
9. Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
10. Notice to park commission and county planning board or agency or regional planning council. At least five days before such hearing, the board of appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal; and to the county planning board or agency or regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.

11. Compliance with state environmental quality review act. The board of appeals shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.
 12. Rehearing. A motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.
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§ 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.
3. Area variances.
 - (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.
 - (b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
 - (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to

pursue, other than an area variance;

- (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether the alleged difficulty was self- created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

- (c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

§ 267-c. Article seventy-eight proceeding.

1. Application to supreme court by aggrieved persons. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or any officer, department, board or bureau of the town, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceeding shall be instituted within thirty days after the filing of a decision of the board in the office of the town clerk.
2. Costs of appeal. Costs shall not be allowed against the board of appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.
3. Preference of appeal to court. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.
4. Power of court. If upon the hearing at the supreme court, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review determining all questions which may be presented for determination.



TOWN of GREENBURGH
Zoning Board of Appeals
RULES OF PROCEDURE
Adopted - November 18, 1976

ARTICLE I: OFFICERS AND THEIR DUTIES

- A.** The Chairman of the Board shall be designated by the Town Board. He shall perform all duties required by Law, Ordinance and these Rules. He shall preside at all Meetings of the Board. The Chairman shall decide on all points of order and procedure subject to these Rules, unless directed otherwise by a majority of the Board. The Chairman shall appoint any committees found necessary to carry out the business of the Board. The Chairman may administer oaths and compel the attendance of witnesses as necessary to carry out the business of the Board.
- B.** Each January, the Zoning Board of Appeals (ZBA) of the Town of Greenburgh (the "Board") shall hold an organizational meeting at which it shall elect one of its Members as Vice-Chairman and shall appoint a Secretary to the Board.
- C.** The Vice-Chairman shall have all the powers of the Chairman during his absence, disability or disqualification.
- D.** The Secretary, subject to the provisions of these Rules and all other applicable laws and ordinances and at the direction of the Board or the Chairman, shall conduct the correspondence of the Board; review all applications to the Board to determine that the application satisfies all requirements of Law and of these Regulations; keep calendars of all Meetings and maintain all official records of the Board; file with the Town Clerk all papers and records as required by Law; and shall perform such other functions as directed by the Board of the Chairman.
- E.** The Building Inspector of the Town of Greenburgh (the "Town"), or such other official or officials, as the Town shall from time-to-time appoint, shall be the administrative official charged with the enforcement of any ordinance adopted, pursuant to **Article XVI** of the Town Law.

ARTICLE II: APPLICATIONS, APPEALS AND PROCEDURES

- A.** The Board shall hear and decide all applications and appeals for variances and other relief from any order, requirement, decision or determination made by the Building Inspector. It shall also hear and decide all matters referred to it or upon which it is required to pass under any other law. Applications and appeals may be taken by any officer, department, board or bureau of the Town and by any person aggrieved, including, but not limited to, any citizen, person owning property or civic association in the Town who is adversely affected by any action of the Building Inspector.
- B.** An application or appeal must be made within thirty (30) days of the action of the Building Inspector. The applicant or appellant must file a Notice of Appeal and/or Application with the Building Inspector and with the Secretary of the Board. Such notice shall be made on the form provided for that purpose by the Board. The Secretary shall be responsible, at the direction of the Board, for providing any applicant or appellant with the proper forms and for instructing the parties concerned on the proper manner for completing and filing said forms. All information required thereon shall be complete before an application or appeal is considered filed. Three (3) copies of a map of the property, indicating the location of the proposed structure, and one (1) transparent map suitable for projection shall be filed with the Secretary of the Board. No formal survey need be submitted with the application or appeal unless such a survey was required by the Building Inspector in connection with his determination of the question of whether a building permit should be issued for the construction of the proposed structure. Where such a survey is requested by the Board, one shall be supplied, irrespective of whether or not a survey was required to be submitted with the application or appeal.
- C.** Upon the filing of any application or appeal, the Secretary shall see that all applications and/or appeal forms, maps, surveys and other documents are properly prepared, and shall transmit to each member of the Board, a summary of each application or appeal five (5) days prior to the meeting of the Board. The Secretary shall reject all applications or appeals which are not filed upon the required form and which do not contain the information required.
- D.** The Applicant or appellant shall provide the Secretary with such additional information and data as may reasonably be required by the Secretary to advise the Board fully with reference to the application or appeal, whether such information or data is called for by the official form or not. Failure to furnish such additional information or data may result in dismissal of the application or appeal by the Board.

- E.** All applications and appeals shall be made to the Board no later than the fifteenth (15th) day of the month prior to a scheduled meeting of the Board in order to be placed upon the calendar for the next regular meeting.
- F.** All applications and appeals shall be filed with the Secretary of the Board and signed by the applicant or appellant and further accompanied by a legal notice deposit of Two Hundred dollars (\$200), a deposit for the court stenographer of Two Hundred dollars (\$200) and such filing fees as are established by the Town Board. (*) No fee shall be required for any application or appeal made by a bona fide civic association of the Town or by any officer, department, board or bureau of the Town.
(*) Amended December 23, 2008.
- G.** The Secretary shall cause to be published in the official newspaper of the Town no more than twenty (20) or less than ten (10) days prior to the Hearing date, notice of all Hearings that shall be conducted by this Board. Whenever deemed feasible by the Secretary, notice shall also be published in a second newspaper of general circulation in the immediate locale of the property that is the subject of the application or appeal.
- H.** The Secretary shall cause notice of all Hearings to be mailed to the owners of all property within a 250-foot radius of any parcel that is the subject of a Hearing before this Board and to all civic associations in the Town who have requested to receive notification of Board proceedings. Notification shall also be provided to all citizens of the Town who request the same, unless the number requesting notice is so large as to make such notice unduly burdensome or expensive. The Secretary shall notify the Board of such burden when and if it arises and the Board may, by majority vote of the entire Board, suspend the notification requirements of this Rule.
- I.** Except when the Board is required by Law to receive a report from a public body or agency, no materials, including but not limited to written reports, memoranda, letters, materials requested by the Board, etc., shall be accepted unless same is received by the Secretary at least ten (10) days prior to the date of Public Hearing at which time the matter is scheduled to be heard. This requirement may be waived by the Board upon good cause shown. All letters or other communications received by the Board pursuant to ARTICLE II- (I), above, will be included in the record of the case, and will not be permitted, except for good cause shown, to be presented orally at the Public Hearing. (*)
(*) Adopted April 25, 1985.

ARTICLE III: MEETINGS

- A.** Regular Meetings of the Board shall be held at the Greenburgh Town Hall at 8:00 P.M. **(*a)** on the third (3rd) Thursday **(*b)** of each month and at such other times and places as the Board may direct.
(*a) Amended July 28, 1983 **(*b)** Amended November 16, 2000
- B.** Special Meetings of the Board may be called by the Chairman. The Secretary shall also schedule a Meeting at the written request of any three (3) Members of the Board. Notice shall be mailed to each Member at least forty-eight (48) hours before the hour set for such special Meeting.
- C.** All Meetings of the Board shall be open to the public and all its decisions shall be made at such Public Meeting. The Board may hold Executive Sessions in order to deliberate on matters before the Board.
- D.** At all Meetings of the Board, a majority of the Members shall constitute a quorum for the conduct of business, but a less number may adjourn a Meeting.
- E.** All proceedings of the Board shall be stenographically recorded and a transcript thereof filed with the Secretary.

ARTICLE IV: VOTING

- A.** All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the entire Membership of the Board, unless otherwise specified herein.
- B.** A tie vote or vote to grant an application or appeal by a lesser number than the required majority shall be considered a rejection of the application or appeal under consideration.
- C.** No Member of the Board shall sit in hearing or vote on any matter in which he is personally or financially interested.
- D.** No Member shall vote on the determination of any matter requiring public hearing unless he/she has attended the Public Hearing thereon or has familiarized him/herself with such matter by reading the record.

ARTICLE V: CALENDAR

- A.** Each application or appeal or other matter before the Board shall be numbered serially by the Secretary of the Board. The serial numbers shall begin anew on January 1 of each year and shall be hyphenated with the number of the year in which said application is filed.
- B.** Except as provided for special meetings or unless other-wise ordered by the Board or the Chairman, all applications or appeals filed no later than the fifteenth (15th) day of the month prior to a Meeting shall be scheduled at the next regular Meeting of the Board. The actual scheduling of a case is subject to the Board's meeting calendar and the completion of hearing prior cases.
- C.** All applications or appeals shall be heard in the order in which they appear on the calendar, unless otherwise ordered by a majority of the Board present and voting.
- D.** At all regular Meetings of the Board, no hearing shall commence after (*) 10:30 P.M. unless otherwise ordered by a majority of the Board present and voting.
(*) Amended June 25, 1992.
- E.** All applications, which cannot be disposed of on the date set, shall be adjourned by the Board to such date as the Board shall determine.
- F.** The Secretary of the Board shall have available to the public, no less than five (5) days prior to each regular Meeting, a calendar of cases to be heard at such a regular Meeting.
- G.** Because of the inconvenience to Members of the public occasioned by the adjournment of proceedings, no more than one (1) adjournment shall be granted to the applicant, appellant or the opponents of an application or appeal. For good cause shown, additional adjournments may be granted by the affirmative vote of a majority of the Board.
- H.** Either the applicant, appellant or the opponents of the application may obtain one (1) adjournment as of right, but only upon the payment of an adjournment fee of Twenty-five dollars (\$25), to the Secretary not less than three (3) days prior to the scheduled hearing, (the scheduled hearing date shall be counted, but the date of payment of the adjournment fee shall not be counted in determining whether the payment of the

adjournment fee is timely). Upon timely filing of the adjournment fee, the Secretary shall adjourn the application to either the next or the second next regularly scheduled Meeting of the Board. The Secretary shall then notify all persons who have received previous notification of the application of the adjourned date and shall endeavor to see that such persons shall receive notification of the adjournment prior to the originally scheduled hearing date to avoid the inconvenience to those persons occasioned by needless attendance at Public Hearings. For good cause shown, an adjournment may be granted by the affirmative vote of a majority of the Board, despite the failure of the party seeking the adjournment to timely pay the adjournment fee, but only upon the payment of the Twenty-five dollars (\$25) adjournment fee. Each additional adjournment fee shall be \$100.

ARTICLE VI: HEARINGS

- A.** The applicant or appellant may appear on his own behalf or by any representative of his choosing. In the absence of a personal appearance on behalf of the applicant, the Board shall dispose of the application or appeal upon the records before it and the testimony of any person who wishes to be heard.
- B.** Any person wishing to be heard upon any application or appeal before the Board shall be present at the time the case is called by the Chairman to be heard; or shall submit, prior to the closing of the record on the application or appeal, any written statement he wishes to become a part of the record.
- C.** Only matters germane to the application shall be received; repetitious and irrelevant argument will not be allowed.
- D.** All requests to withdraw applications or appeals made to this Board must be made in writing and be presented to the Secretary of the Board no less than five (5) days prior to the first meeting at which the application or appeal is to be heard. Failure to make such application for withdrawal shall result in the application or appeal being heard by the Board and a decision being made upon such evidence as is presented to the Board.
- E.** Upon good cause shown and after due consideration of the rights of any opposing party to a decision on the merits and with the concurrence of a majority of the Members of the Board voting thereon, an application for withdrawal may be granted at any time prior to the formal announcement of a decision upon an application.
- F.** No application for a variance or a special permit with respect to any property shall be entertained by the

Board within eighteen (18) months of the denial or dismissal of an application for the same or similar relief on that same property, unless there appears on the face of the application the existence of new or changed circumstances effecting the property and indicating that the Board should grant relief. Each applicant shall indicate whether there has been any previous application made to the Board in connection with the property and if so, shall state whether the present application is the same or similar to that previous application. The Secretary shall review the previous application, compare it with the pending application, and determine whether the two applications are the same or similar. Upon determining that the pending application is the same or similar to an earlier application, the Secretary shall assign a number to the application and designate and notice the application as a "Request to the Zoning Board to File a Second Application for the Same or Similar Relief on the Same Property within Eighteen (18) Months."

- G. This application shall be noticed and placed on the calendar of the next regularly scheduled Meeting of the Board in the same manner as all other applications, except that the Secretary shall also review the Minutes of the Meeting at which the earlier application was denied and provide notice to all persons and organizations who spoke at the hearing on the prior application or submitted written statements in connection with the earlier application. Because of the extra expense involved in reviewing and duplicating the Minutes, the filing fee shall be Two Hundred dollars (\$200) and shall be required of all applicants, including those persons and organizations exempted from the paying of a filing fee by ARTICLE II, SECTION F of these Rules, except that no such fee shall be required by any Officer, Department, Board or Bureau of the Town.
- H. The Board at its next regularly scheduled Meeting shall determine whether or not the application is the same or similar to an earlier denied or dismissed application and if so, whether a second application for a variance or special permit with respect to the same property shall nevertheless be allowed to be filed. If the Board determines that contrary to the Secretary's determination, the application is not the same or similar to a previously denied or dismissed application, the Two Hundred dollar (\$200) special filing fee shall be returned to the applicant. If the Board determines that the second application should be allowed to be filed, it shall grant permission for the filing of such an application within not less than ninety (90) days from its decision; and the second application shall thereafter be treated in the same manner as any other application, including the provisions of these Rules respecting filing fees, notification and publication.

ARTICLE VII: DECISIONS

- A. All decisions of the Board shall be announced at a Public Meeting with the vote of each Member of the Board recorded.

- B.** No application before the Board shall be granted except upon the concurrence of four (4) Members of the Board.
- C.** No resolution, regulation or other formal action by the Board shall be adopted except upon the concurrence of four (4) Members of the Board.
- D.** All decisions of the Board shall be reduced to writing, signed by a Member of the Board, and filed within ten (10) days with the Town Clerk. A copy of all decisions by the Board shall be kept as part of the records of the Board by the Secretary.
- E.** On the application of any person who would have standing to file an application or appeal pursuant to SECTION A of ARTICLE II of these Regulations, or upon the Board's own motion, the Board may, if it so determines, direct a hearing into the question of whether any person who has received a variance or special permit from the Board, or person taking possession of title to property under such person, is maintaining the property in accordance with the terms of the variance or special permit. A finding of violation may result in revocation of the variance or special permit or such other sanctions as the Board may deem appropriate.

ARTICLE VIII: ORDER OF BUSINESS AT REGULAR MEETINGS

- A.** ROLL CALL.
- B.** READING OF TENTATIVE AGENDA FOR THE FOLLOWING REGULAR MEETING.
- C.** HEARINGS UPON ALL ADJOURNED AND CONTINUED CASES.
- D.** HEARINGS UPON NEW CASES.
- E.** ADJOURNMENT

ARTICLE IX: AMENDMENT TO RULES

- A.** Any Amendment to these Rules and Regulations shall be made upon at least ten (10) days notice to each

Member of the Board in writing. Such Amendment shall only be made upon the concurrence of four (4) Members of the Board and after Public Hearing.

- B.** The Secretary shall cause to be published in the official newspaper of the Town of Greenburgh at least ten (10) days prior to the time of Public Hearing, a notice that a Hearing shall be held upon the proposed Amendment to the Rules and Regulations of this Board.

ARTICLE X: NOTIFICATION TO APPLICANTS AND APPELLANTS

- A.** Every applicant and appellant to the Board shall be given a copy of these Rules upon the filing of his/her application for relief or appeal, and shall be given a written statement calling his/her attention to these Rules and, in particular, to SECTIONS G and H of ARTICLE V and the provisions of ARTICLE VI of these Rules.