

TOWN OF FORESTBURGH
332 KING ROAD
FORESTBURGH, NEW YORK 12777
845-794-0611 EXT.21
845-794-0678 FAX
townofforestburgh@hvc.rr.com

Appearance Application
ZONING BOARD OF APPEALS
Town of Forestburgh, New York

Date: _____ Telephone: _____

Name: _____

Address: _____

Email: _____

Hereby Appeal from the decision of the _____
of the Town of Forestburgh, Forestburgh, New York.

Dated: _____ For: _____

Signature of Official making decision

=====

Applying For:

Variance () Interpretation ()

Property Location: _____

Section _____ Block _____ Lot(s) _____ Zoned: _____

=====

****Is property within 500 feet of a County of State Highway, County or State property or boundary of another municipality?**

Yes () No ()

If so, application will be subject to County review.

****Provisions of the Zoning Ordinance Appealed. State Article, Section and paragraph _____**
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AN APPEAL IS MADE HEREWITH FOR:

() An interpretation of the Zoning Ordinance or map

() A variance to the provision of the Zoning Ordinance or map.

=====

Signature of property owner: _____

(If applicant is NOT the property owner, owner's endorsement signature MUST be notarized)

Notary: _____

Date: _____

Zoning Board of Appeals Chairman

Date: _____

PROCEDURE

The applicant must fill out this application and include a check for \$50.00 made out to Town of Forestburgh. This fee is NOT refundable. The following steps MUST be followed:

- 1. A public hearing on the granting of the variance of interpretation by the Zoning Board of Appeals must be held by the Zoning Board of Appeals.**
- 2. The public hearing will be held when scheduled and noticed by the Zoning Board of Appeals.**
- 3. The applicant must give notice of the public hearing to all property owners within 300 feet of the perimeter of the property.**
- 4. The notice is given by mailing a copy of the public hearing notice by certified mail with return receipt to those property owners. The applicant is responsible for mailing the notices.**
- 5. The secretary of the Zoning Board of Appeals will cause the notice to be published in the newspaper. The advertisement must be published in the newspaper ten days prior to the hearing date.**
- 6. At the hearing, the applicant will be required to hand to the secretary of the Zoning Board of Appeals the certified mail receipts, including all return receipts. THE HEARING CANNOT TAKE PLACE UNLESS THE APPLICANT SO PROVES THAT THE NOTICES WERE MAILED OUT.**

SITE INSPECTION AUTHORIZATION

I hereby give permission to members of the Zoning Board of Appeals of the Town of Forestburgh, the Engineer of the Town of Forestburgh or any of their agents and/or assign(s) to enter upon my property, located at _____, Town of Forestburgh, State of New York, County of Sullivan, designated upon the Tax Rolls of the Town of Forestburgh, Section _____ Block _____ Lot(s) _____, in order to personally inspect said premises in order to evaluate the application for _____ affecting the said premises.

Dated: _____, New York

Signature of Owner of Property

Print Name of Owner of Property

ZONING BOARD OF APPEALS

Applicants Procedure before the Zoning Board of Appeals

Important steps to KNOW and FOLLOW:

The Zoning Board of Appeals meets on the second (2nd) Monday of each month at 7:00pm at the Forestburgh Town Hall, 332 King Road, Forestburgh, New York. If there are no matters to come before the Zoning Board of Appeals, or the requirements set forth below under the caption "INFORMAL MEETING" have not been met, the meeting will be cancelled for that month.

1. PLEASE read the Town's Zoning Law.
2. Obtain a denial from the Building Inspector/Code Enforcement Officer or referral/denial from the Planning Board or a request for an interpretation.
3. You can expect a MINIMUM of two (2) month time frame encompassing two (2) meetings to obtain a decision.
 - a. Informal Meeting at 7:00pm (first meeting) with application.
 - b. Public Hearing meeting at 7:00pm (second meeting) which MAY be adjourned or continued to a subsequent meeting.

INFORMAL MEETING:

1. Ten (10) days PRIOR to the Informal Meeting the following MUST be submitted to the secretary of the Zoning Board of Appeals:
 - a. A COMPLETED application, Nine (9) copies with a copy of the tax map showing the property, in envelopes ready to be addressed and mailed.
 - b. The application fee of \$50.00 must be paid at this time.

NINE COPIES OF EACH OF THE FOLLOWING:

- c. A letter briefly explaining the request
 - d. Short Form EAF (Environmental Assessment Form) completed
 - e. Proof of ownership of the property or written permission of the owner
 - f. Survey map or site plan, folded for mailing
 - g. Denial or referral of Building Inspector/Planning Board
2. You or your representative must appear at the informal meeting to present your request.
3. A public hearing is scheduled or a second review meeting is scheduled (if necessary)

4. Revised plans may be requested. These MUST be submitted fourteen (14) days prior to the scheduled public hearing. If not submitted on time the public hearing will be postponed.
5. ZBA members may review the property prior to the public hearing.
6. PRIOR TO THE PUBLIC HEARING:
 - A. Ten (10) days before the date of the Public Hearing each owner appearing on the adjoining owners list in compliance with the Town's Zoning Law must be forwarded a copy of the Public Notice by certified, return receipt mail. Receipts of the certified mailing must be delivered to the board at the public hearing. The adjoining owner's list is the responsibility of the applicant. The Public Hearing Notice will be provided by the Secretary of the ZBA.
 - B. The ZBA will place the public notice in the Legal section of the Sullivan County Democrat as notification to the general public as well as placed in two (2) public places within the Town.
7. Public Hearing will be held at 7:00 p.m. (2nd meeting) unless a different time is scheduled.
8. The ZBA, by State Law has 62 days from the close of the public hearing to render a decision.
 - a. You or a representative presents your case.
 - b. In order for the Zoning Board of Appeals to grant a variance you must show practical difficulties or unnecessary hardship. Please review the Zoning Law and Section 267b of New York State Town Law.
 - c. Section 267b of the Town Law of the State of New York reads as follows:
1. Orders, requirements, decisions, interpretations and 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 the 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 variance shall be granted by a Board of Appeals without showing by the applicant that the 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 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 had not been self created.
 - c. The Board of Appeals, in 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 the 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 granting of the area variance;
 - 2. Whether the benefit can be achieved by some other 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;
 - 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 granting 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.

9. IMPOSITION OF CONDITIONS:

The Board of Appeals shall, in granting of both use 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 ordinances or local laws and shall be imposed for the purpose of minimizing an adverse impact such variance may have on the neighborhood or community.

10. Applicant may be required to go to the Planning Board after the granting of requested variance(s).
11. Applicant will be required to contact the Building Inspector for required permits, if any.

Short Environmental Assessment Form

Part 1 - Project Information

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
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.			YES
			☐
			☐
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
			☐
			☐
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 _____ acres			
or controlled by the applicant or project sponsor?			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other(Specify):			
☐ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☐	☐
b. Consistent with the adopted comprehensive plan?	☐	☐	☐
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?	NO	YES	
If Yes, identify: _____	☐	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	☐	☐	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☐	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☐	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	☐	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	☐	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐	☐	
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?	NO	YES	
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: _____ _____ _____			

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 plan?	NO	YES
	☐	☐
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	☐	☐
a. Will storm water discharges flow to adjacent properties?	☐	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	☐	☐
_____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	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 CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

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)?	☐	☐
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?	☐	☐

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

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)

SULLIVAN COUNTY
DIVISION OF PLANNING AND ENVIRONMENTAL MANAGEMENT
GENERAL MUNICIPAL LAW REFERRAL
REPORT OF FINAL LOCAL ACTION

Section 239-m of the General Municipal Law of the State of New York requires that, within thirty days of final municipal action on a zoning matter which has been reviewed by the Sullivan County Division of Planning and Environmental Management, the municipal body having jurisdiction must file a report of the final action it has taken with the Division. This form can serve as that report.

NAME OF MUNICIPALITY: _____

NAME OF MUNICIPAL AGENCY: _____

NAME OF APPLICANT: _____

TYPE OF REFERRAL:

- | | | |
|--|--|------------------------------------|
| ☐ Amendment of Zoning Ordinance or Map | | |
| ☐ Rezoning | ☐ Special Use Permit | ☐ Use Variance |
| ☐ Site Plan | ☐ Area Variance | ☐ Subdivision |

FINAL MUNICIPAL ACTION:

- ☐ Approved ☐ Denied
- ☐ Approved subject to the following conditions:

If the municipal body having jurisdiction has acted contrary to the recommendation of the Sullivan County Division of Planning and Environmental Management, please attach a resolution setting forth the reasons for such contrary action. Please note that Section 239-m of the General Municipal Law also requires that such contrary action must be adopted by a vote of a majority plus one of all the members of the municipal body.

Please mail this form to the Sullivan County Division of Planning and Environmental Management, 100 North Street, Monticello, NY 12701. Thank you for your cooperation.