



Town of Shelter Island

Zoning Board of Appeals

Application Package

Table of Content:

ZBA Fees	3
ZBA Application Checklist	4
ZBA Application	6
ZBA Authorization form	8
ZBA Certification	9
Transactional Disclosure form	10
Use Variance Answer Sheet	12
Area Variance Answer Sheet	13
Special Permit Answer Sheet	14
Mailing Notice	16
Affidavit of mailing of Legal Notice	17
Affidavit of posting	18
Owner's Endorsement	19
Short Environmental Assessment Form	20

ZBA Fees

Variances for mechanicals such as HVAC Units, generators and work under \$5,000 \$200

Variances for projects under \$20,000 \$500

This fee shall cover up to two variance requests per application, but if the applicant requests further variances there shall be an additional \$500 fee per additional requested variance.

Variances for projects over \$20,000 \$1,000

This fee shall cover up to two variance requests per application, but if the applicant requests further variances there shall be an additional \$1,000 fee per additional requested variance.

Special Permit \$1,300

Applications for both a special permit and variances shall pay separate fee(s) for each, per above schedule.

Public Hearing re-notice fee (if caused by the applicant) \$100

Variance or special permit extension fee 50% of original fee

Variances for work done without permit Five times the fee pursuant to the above schedule

Re-hearing fee 50% of original fee

Interpretation (Does not apply to Town Board and Building Department) \$800

Additional fees and deposits may be applied pursuant to Town Code §133-34.1 (Reimbursement payments for outside services and consultants).

ZBA APPLICATION CHECKLIST

The Application submission requires:

- One (1) original, nine copies (9) and a digital copy (PDF) of all materials requested below

- Applications along with related documents must be collated into packets

- The requisite application fee
- Letter of Denial from the Building Department
- A completed ZBA Application form (attached)
- ZBA Authorization form (attached)
- ZBA Certification form (attached)
- Transactional Disclosure Form (attached)
- Area Variance, Use Variance, Special Permit Answer Sheet (as applicable, form is attached)
- Property Deed from the Assessor's Office
- Certificate of Occupancy, Certificate of Compliance, and Open Building Permits for all buildings, structures, and all improvements on site requiring same. (If you do not have these documents, they are accessible at the Building Department)
- A radius map showing all property owners within two hundred (200) feet of applicant's property and names and addresses of these owners (Assessor's Office can help you to obtain this)
- **Up-to-date original survey* prepared by a licensed surveyor- sealed, signed and dated; showing:**
 - *All existing and proposed buildings and structures; including steps, decks, bilco doors, patios, AC equipment, pool equipment, generators and requisite slabs.*
 - *Setback dimensions shown from all property lines in **red**;*
 - *If in wetlands, 75' and 100' lines from wetlands must be noted in **red**;*
 - The location of all known easements, right-of-way on or over the site;
 - The location of existing and proposed wells and septic systems;
 - The identification, size and location of all natural features such as wetlands bluffs, bodies of fresh and tidal waters, watercourses and the mean high water mark with setback dimensions to all existing and proposed buildings and structures;
 - Existing topography of the site at 2-foot contour intervals, (if requested);
 - **Building Envelope outlined in **red** showing all setback requirement**

*Please note that the ZBA will also accept survey showing current conditions and a separate proposed site plan based on the survey prepared by the licensed design professional; both must be sealed, signed and dated.

- **Building Plans – sealed, signed and dated: with all setback dimensions shown in **red** from all property lines. Plans must include: steps, decks, bilco doors, patios, porches,**

decks, AC equipment, pool equipment, generators and requisite slabs fireplaces, chimneys, etc. plus reduced size copies for each packet (If working drawings are submitted, they must be to scale.)

One (1) set of full size Building Plans to scale **(1/4")** and 9 copies of 11x17" prints is required if applying for variance. Three (3) sets of full size Building Plans to scale **(1/4")** and 7 copies of 11x17" prints is required if applying for Special Permits. Submitted building plans must be the **exact plans as denied by the Building Department.**

If Applicable:

- Owner's Endorsement Form
- Permits or approvals from other agencies
- Short Environmental Assessment Form (if seeking a Special Permit or an Area Variance for dwellings over 5,999 sf; the form is attached)
- In the case of an appeal from a determination of the Building inspector/Zoning Officer,
copy of the written determination or Stop Work Order
- Any other information as may be required by the Zoning Board



ZONING BOARD OF APPEALS APPLICATION

Date: _____

TAX MAP NUMBER

ADDRESS OF THE SUBJECT PROPERTY

1. APPLICANT- Applicant must be a party of interest

Applicant is: ☐ Owner ☐ Attorney ☐ Architect
☐ Builder ☐ Contractor
☐ Other (please specify) _____

NAME _____

COMPANY NAME (if applicable) _____

ADDRESS _____

PHONE _____

EMAIL _____

2. OWNER(S) –All owners on the current deed (if different from the applicant)

NAME _____

ADDRESS _____

PHONE _____

EMAIL _____

NAME _____

ADDRESS _____

PHONE _____

EMAIL _____

3. Are there any Violation of Notices of Violation outstanding on this property?

YES ____ NO ____ Violation number _____ (If yes, attach copies)

4. Is the property within one mile of an airport or within 500 feet of:

- a. The boundary of any existing or proposed county, state or federal park or other recreation area,
- b. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway,
- c. Existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county, state or federally-owned land or
- d. The boundary line of any village or town

YES ____ NO ____

5. Located in Zone District designated as: _____

6. Previous appeals (please check one):

_____ A previous appeal has been made dated _____ ZBA #(s) _____

_____ A previous appeal has not been made with respect to this denial of the Building Inspector or with respect to this property.

7. Indicate value of project requiring variance/special permit:



ZONING BOARD OF APPEALS AUTHORIZATION FORM

I hereby affirm that to the best of my knowledge the list of property owners presented with this application is accurate and that all statements herein are true. By signing this form I authorize town staff and Zoning Board members to enter onto my property to perform an on-site inspection of the changes I am applying for.

NAME _____

OWNER'S SIGNATURE _____

DATE _____



ZONING BOARD OF APPEALS CERTIFICATION

To be signed by Applicant(s)/Owner

_____, being by me duly sworn, deposes and says:

1. I have an interest in an application for a variance and/or special permit now pending before the Town of Shelter Island Zoning Board of Appeals.
2. I reside at _____
3. The nature of my interest in the aforesaid application is as follows _____
4. It is my understanding that the Shelter Island Town Board has determined that public policy requires a full, frank and complete disclosure of all persons having an interest, direct or indirect, in all applications to the Shelter Island Zoning Board of Appeals and other agencies of Town Government, to insure that no question of conflict of interest or favoritism may arise.
5. To the best of my knowledge, information and belief, there are no other persons, firms or corporations interested in this application, except as hereafter set forth (If either Corporation or Company, etc., list all officers):

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

Notary Public

PRINT NAME _____

APPLICANT'S SIGNATURE _____



TRANSACTIONAL DISCLOSURE FORM

(Conflict of Interest Form)

The purpose of this form is to alert the Town if a party of influence has an interest in this application or if someone within the Town who will participate in the decision has an interest.

This form is for:

☐ An individual ☐ A partnership ☐ A corporation ☐ An association

APPLICANT'S NAME _____

OWNER'S NAME _____

Nature of the Application

☐ Variance ☐ Special Permit

Affected parcel (address)

Does any officer or employee of the Town of Shelter Island, member of the Zoning Board of Appeals, or his/her spouse, brother, sister, parent, child, grandchild or spouse of any of them have an interest in this application by virtue of being the actual applicant, being the owner of the actual property or having an interest in the corporation, partnership or association making such application?

☐ Yes ☐ No

PRINT NAME _____

APPLICANT'S SIGNATURE (if other than owner) _____

DATE _____

PRINT NAME _____

OWNER'S SIGNATURE _____

DATE _____

If Yes, complete following relevant section:

For individual:

Interested Party:

NAME _____ ADDRESS _____
CITY _____ STATE _____ ZIP _____

For corporation:

Interested Party:

NAME _____ ADDRESS _____
CITY _____ STATE _____ ZIP _____
TITLE _____ DEPARTMENT _____

Relationship to Public Officer/Employee and Title, if other than Self: _____

- The owner greater than five percent (5%) of the corporate stock of the application when the applicant is a corporation whose stock is publicly traded Yes ____ No ____
- The actual applicant Yes ____ No ____
- An Officer, Director, Partner, or Employee of the applicant, or Yes ____ No ____
- Legally or beneficially owns or controls any stock of a non-publicly traded corporate applicant or is a member of a partnership or association of the applicant Yes ____ No ____

For partnership or association:

Interested Party:

NAME _____ ADDRESS _____
CITY _____ STATE _____ ZIP _____
TITLE _____ DEPARTMENT _____

Relationship to Public Officer/Employee and Title, if other than Self: _____

- The owner greater than five percent (5%) of the corporate stock of the application when the applicant is a corporation whose stock is publicly traded Yes ____ No ____
- The actual applicant Yes ____ No ____
- An Officer, Director, Partner, or Employee of the applicant, or Yes ____ No ____
- Legally or beneficially owns or controls any stock of a non-publicly traded corporate applicant or is a member of a partnership or association of the applicant Yes ____ No ____



ZONING BOARD OF APPEALS

Use Variance Answer Sheet

New York State Town Law §267-1(a) states: “‘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.”

New York State Town Law §267-1(b) stated: ‘The Zoning Board must answer the following questions in order to give you your variance. Help convince them by answering the following questions if you are seeking an USE VARIANCE. (A USE VARIANCE is hard to get. In order to get a USE VARIANCE the answer to each question must be yes):

- 1) Can you show that you cannot realize a reasonable return for each and every permitted use under the zoning regulations, and show that the lack of return is substantial as demonstrated by competent financial evidence?

- 2) Can you show that the alleged hardship relating to the property is question is unique, and does not apply to a substantial portion of the district or neighborhood?

- 3) Can you show that the requested use variance, if granted, will not alter the essential character of the neighborhood?

- 4) Can you show that the alleged hardship has not been self-created?



ZONING BOARD OF APPEALS

Area Variance Answer Sheet

New York State Town Law §267-1(a) states: “‘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.”

New York State Town Law §267-b (3) b states: “The Zoning Board must answer the following questions in order to give you your variance. Help convince them by answering the following questions if you are seeking an AREA VARIANCE:

- 1) Will granting you a variance cause an undesirable change in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance? Why not?

- 2) Can the benefit you seek from this variance be achieved by some other method? What other methods have you considered, and why won't they work?

- 3) How substantial is the variance you request from what the law allows?

- 4) Will the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district? Why or why not?

- 5) How did you get yourself into a situation where you need a variance? Was it a self-created problem? (This consideration is relevant to the decision of the board of appeals, but does not necessarily preclude the granting of the variance).

It would be beneficial to your case to secure a letter in support from neighbors of adjoining properties.

If the variance request is substantial or unusual, please be prepared to present examples of similar situations in your neighborhood in the form of photos and/or prior ZBA decisions.



ZONING BOARD OF APPEALS

Special Permit Answer Sheet

- 1) Is the proposed use the most appropriate use of this land? Yes ☐ No ☐
Explain: _____
- 2) Will the use be detrimental to surrounding property values? Yes ☐ No ☐
Explain: _____
- 3) Will the use cause an overcrowding of land or undue concentration of population? Yes ☐ No ☐
Explain: _____
- 4) Is the site suitable for the location of such use in the town? Yes ☐ No ☐
Explain: _____
- 5) Is the proposal harmonious with the character of the existing and probable development of uses in the vicinity? Yes ☐ No ☐
Explain: _____
- 6) Is the proposed use accessible for fire and other emergency apparatus? Yes ☐ No ☐
Explain: _____
- 7) Is the proposed use unreasonably near a church, school, theater, recreational area or other place of public assembly? Yes ☐ No ☐
Explain: _____
- 8) Will the proposed use interfere with established uses in the neighborhood? Yes ☐ No ☐
Explain: _____

- 9) Are the driveways and sidewalks adequate to assure the public safety and avoidance of traffic congestion? Yes ☐ No ☐

Explain:

- 10) Are there adequate facilities for the treatment, removal or discharge of sewage, refuse or other effluent from this use? Yes ☐ No ☐

Explain:

- 11) Will the proposed use cause odors, dust, light or noise, and if so, how can the impact be minimized? Yes ☐ No ☐

Explain:

- 12) Will the proposed use impact the aquifer and other important natural resources, and if so, how can they be protected? Is the lot big enough for the proposed use and its reasonable anticipated operation and expansion? Yes ☐ No ☐

Explain:

- 13) Is there enough off-street parking for employees or visitors and is parking laid out in a convenient and safe way? Yes ☐ No ☐

Explain:

- 14) What buffers and screening are necessary to protect adjacent properties and land uses?

Explain:



ZONING BOARD OF APPEALS

Mailing Notice

(Must be submitted to the ZBA Clerk 7 days prior to the scheduled hearing)

All Property Owners within 200 feet

(Addressee)

VIA CERTIFIED MAIL

YOU ARE HEREBY GIVEN NOTICE:

- 1) That an application has been made to the Zoning Board of Appeals of the Town of Shelter Island;
- 2) That the property, which is the subject of the application, is located near your property and is described as follows (address):

- 3) That by such Petition, the undersigned will request the relief described in the **attached Public Notice**.
- 4) That before the relief sought may be granted, a public hearing must be held on the matter by the Board of Appeals; The public hearing is scheduled for Wednesday, _____, at 7:30 p.m., in the Shelter Island Town Hall, 38 North Ferry Road, Shelter Island, NY; that you or representative have the right to appear and be heard at such hearing.
- 5) That you may find further information regarding this application at <https://www.shelterislandtown.us/zoning>

PRINT NAME _____

APPLICANT'S SIGNATURE _____



ZONING BOARD OF APPEALS

Affidavit of Mailing of Notice

(Must be submitted to the ZBA Clerk 7 days prior to the scheduled hearing)

NAME

ADDRESS

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

State of _____

County of _____

SS:

_____, residing at _____,

Being duly sworn deposes and says that on the ____ day of _____, 20____ deponent mailed a true copy of the Mailing Application, directed to each of the above-named persons at the addresses set opposite their respective names; that the addresses are shown on the current assessment roll of the Town of Shelter Island; and that said notices were mailed at the US Post Office at _____; that said notices were sent by Certified Mail, Return Receipt requested at least 30 days prior to the hearing.

Applicant's Signature

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

Notary Public



ZONING BOARD OF APPEALS

Affidavit of Posting

(This form must be notarized and submitted to the ZBA Clerk
the day of the scheduled hearing)

**(Photograph of the posted sign must be emailed to ZBA clerk at least
30 days prior to the hearing date.)**

Section 133-34, Variances and Special Permit, of the Town Code requires:

The applicant or his agent shall also erect or cause to be erected a sign or signs which shall be displayed on the parcel upon which the application is made, facing each public street on which the property abuts, giving notice that an application has been made to the Zoning Board of Appeals, and stating the time and place where the public hearing will be held. The sign(s) shall not be located more than 10 feet from the street line, and shall not be less than two feet nor more than six feet above the natural grade at the street line. The sign(s) shall be displayed for not less than 30 days immediately preceding the public hearing date. The applicant shall file an affidavit with the Zoning Board that he has complied with the provisions of this section. Failure to submit such affidavit shall result in the adjournment of the public hearing.

I hereby certify that the posting requirements of the above code section has been satisfied by _____ posting the require signs at least 30 days prior to the public hearing on ZBA application.

Signature

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

Notary Public



ZONING BOARD OF APPEALS

Owner's Endorsement

State of _____

County of _____

SS:

_____, being duly sworn, deposes and says:

I reside at _____,

In the County of _____ and the State of _____,

and I am the (owner in fee) (officer of the Corporation which is the owner in fee) of the premises described in the foregoing and that I have authorized _____ to make the foregoing application as described herein.

Name: _____

Name of the Corporation _____

Office's Title _____

Signature _____

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

Notary Public

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 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 government 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, are adjoining or near the proposed action:			
☐ 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 or 500-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? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES
	☐	☐
	☐	☐
	☐	☐
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
	☐	☐
21. Is the project located within, or within ½ mile of, a disadvantaged community? If No, could impacts from the project affect a disadvantaged community? If Yes to either question in 21, answer the following question. a. Identify the potential pollution impacts of the project, either direct or indirect, that may occur within the disadvantaged community (e.g., wastewater discharges, air emissions, noise, odors, solid or hazardous waste generation or management):	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: _____		