

TOWN OF FORESTBURGH
P.O. BOX 114
FORESTBURGH, NEW YORK 12777
845-794-0611 EXT. 12 21
845-794-0678 – FAX
townofforestburgh@hvc.rr.com

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

Date: _____ Telephone _____

Name: _____

Address: _____

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 () Special Use Permit () Interpretation ()

Property Location: _____

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

**** Is property within 500 feet of a County or 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 _____**

AN APPEAL IS MADE HEREWITH FOR:

- An interpretation of the Zone ordinance or map.
 - A Special Permit in accordance with the provisions of the zoning ordinance.
 - A variance to the provisions of the Zoning Ordinance or map.
 - An extension to a special permit
-

Signature of person making application:

_____ Date: _____

Signature of property owner: _____

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

Notary: _____ Date: _____

Date: _____

Zoning Board of Appeals Chairman

PROCEDURE

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

1. A public hearing on the granting of the variance or special permit 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 newspapers 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 generally meets quarterly (January, April, July, October) on the third Tuesday of the month at 7:00 p.m. in the Town Hall.

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) months time frame encompassing two (2) meetings to obtain a decision.
 - a. Informal meeting at 7:00 p.m. (first meeting) with application.
 - b. Public Hearing meeting at 7:00 p.m. (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 ZBA:
 - 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 aw, 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.

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR	2. PROJECT NAME
3. PROJECT LOCATION: Municipality _____ County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: _____	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: _____	Date: _____
Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly:
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> 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 AND provide, on attachments as necessary, the reasons supporting this determination.	
_____	_____
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)

Reset

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.