

**TOWN OF NEVERSINK
ZONING BOARD OF APPEALS
P.O. BOX 307 - 273 MAIN STREET
GRAHAMSVILLE, N.Y. 12740
(914) 985-2262**

INSTRUCTIONS FOR SUBMISSION OF APPLICATION

TO TOWN OF NEVERSINK

ZONING BOARD OF APPEALS

Attached to this instruction sheet are the forms to be utilized in submitting applications to the Town of Neversink Zoning Board of Appeals.

The Town of Neversink ZBA meets on the **third Tuesday** of each month. Applications must be received by the Clerk nine (9) days prior to the ZBA regular meeting in order to be placed on the agenda for the meeting to be held that month. Applications received after the ninth (9th) day will be placed on the agenda of the meeting for the following month.

A complete application must be made consisting of all information as identified in paragraph D. (DOCUMENTATION) of the application form. An application will not be placed on the agenda until all required information is submitted.

At the initial meeting, the ZBA will review the application to be certain that the applicant has set forth sufficient information upon which the granting of a variance could be considered.

In the event the ZBA determines that a complete application with sufficient information has been made, a public hearing will be scheduled. Normally the public hearing will be held at the next meeting of the ZBA.

It is the responsibility of the applicant to provide the Clerk with an accurate list of all property owners located within five hundred (500) feet of the premises which is the subject matter of the application. The Clerk will mail notices of the public hearing to each such property owner.

A decision must be made by the ZBA within forty-five (45) days of the date of the public hearing. Generally, a decision can be expected to be rendered at the meeting following the meeting at which the public hearing was held.

In the event that a variance is granted, the ZBA's decision must be filed with the Sullivan County Clerk. Filing of the variance is the responsibility of the applicant or the applicant's representative.

ZONING BOARD OF APPEALS

APPLICATION CHECKLIST

- Completed and **NOTARIZED** application
- List of Property owners within **500 feet** including across the road.
- Most recent deed.
- Portion of tax map with property outlined in red.
- Notice of disapproval from Code Enforcement Officer (if applicable)
- Drawing to scale or survey showing the location and size of the existing and proposed improvements on the property.
- Environmental Assessment form.
- Agricultural Data Statement form.
- General municipal law section 809 affidavit (Memorandum of Disclosure, if applicable)
- Fee schedule

NOTICE TO APPLICANTS

VARIANCE CRITERIA TO BE MET BY ALL APPLICANTS, AS STATED IN CHAPTER 51, ZONING LAW OF THE TOWN OF NEVERSINK, SECTIONS 50-34 B, USE VARIANCE AND 50-34 C, AREA VARIANCE. (available on-line @ townofneversink.org)

B. Use variances.

(1) The ZBA, on appeal from the decision or determination of the administrative official charged with the enforcement of this chapter, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this chapter.

(2) No such use variance shall be granted by a ZBA 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 ZBA that:

(a) Under applicable zoning regulations, the applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence;

(b) The alleged hardship relating to the property in questions is unique and does not apply to a substantial portion of the district or neighborhood;

(c) The alleged hardship has not been self-created.

(3) The ZBA, 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.

C. Area variances.

(1) The ZBA shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of this chapter, to grant area variances from the area or dimensional requirements of this chapter.

(2) In making its determination, the ZBA 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 ZBA shall also consider whether:

(a) 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;

(b) The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

(c) The requested area variance is substantial;

(d) The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

(e) 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.

(3) The ZBA, 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.

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ZONING BOARD OF APPEALS
P.O. Box 307 - 273 Main Street
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APPLICATION TO TOWN OF NEVERSINK ZONING BOARD OF APPEALS

Appeal of _____ Telephone # _____
(Name)

(Address)

(Name and Address of Agent/Attorney if Applicable)

Application No. _____ Date Application Rec'd _____
Date of Hearing _____ Date of Decision _____

A. STATEMENT OF OWNERSHIP AND INTEREST:

1. The applicant(s) is (are) the owner(s)/agent of property known as _____, (Street Address)
generally located _____
(Describe by Reference to street intersections, property of other, etc.)

2. The property is identified on the most recent tax roll of the Town of Neversink as
Section _____, Block _____, Lot _____.

3. The above described property was acquired by the applicant on _____,
20____. Attached is a copy of the deed.

4. Attached is a photocopy of the tax map on which the property which is the subject of this
application has been outlined in red.

5. The premises are located in the _____ Zoning District.

B. RELIEF REQUESTED:

1. The applicant requests: (check one or both) (a.) An Area Variance ()
(b.) A Use Variance ()

<u>Zoning Law Section</u>	<u>Subject Matter of Section</u>
_____	_____
_____	_____

Change Requirement

From: _____ **To:** _____

2. Reasons for Request (add additional sheets if necessary):

(a.) State briefly your reason(s) for requesting a variance:

(b.) State briefly how the strict application of the provisions of the Zoning Law would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the Zoning Law. _____

(c.) Brief description of improvements, additions or changes intended to be made under this application. _____

(d.) State briefly how the granting of the requested relief will not be a substantial detriment to the public interest, to the property and to surrounding properties and will not materially undermine the purposes of the Town of Neversink Zoning Law.

(e.) State briefly how the practical difficulties or unnecessary hardships are particular to your property and are not shared by other properties in your neighborhood or the same Zoning District.

C. APPEAL FROM:

1. This appeal is made from a Notice of Disapproval from the Code Enforcement Officer date _____, 20___, a copy of which is attached to this application.
2. This property (has) (has not) been the subject of a previous appeal. If applicable, I have attached a copy of the decision in that previous letter.

D. DOCUMENTATION:

1. I have attached to this application copies of the following documents which I understand must be fully submitted in order for my application to be acted upon:
 1. Most recent deed to the property;
 2. A portion of the tax map on which the property which is the subject of this application has been outlined in red;
 3. The Notice of Disapproval from the Code Enforcement Officer from which this appeal is taken (if applicable);
 4. Drawing to scale or survey showing the location and size of the existing and proposed improvements on the property which is the subject of this application;
 5. Environmental Assessment Form Part I;
 6. General Municipal Law Section 809 Affidavit (if applicable);
 7. List of names and addresses with corresponding tax map numbers of all property owners within 500 feet of the property entitled to a Notice of Public Hearing on this application.

E. FEE:

1. Enclosed is my non-refundable fee of \$ _____ (not including postage fees), which I realize must be paid at the time my application is submitted or it will not be processed.

Signature of Applicant

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

Notary Public

Fee Received on _____, 20__.

By: _____ (Title)

TOWN OF NEVERSINK
ZONING BOARD OF APPEALS

LETTER OF AUTHORIZATION FROM PROPERTY OWNER

To Whom It May Concern:

I, _____, owner(s) of the property described in an application with the Town of Neversink Zoning Board of Appeals for a _____ for said property, do hereby authorize _____ to file said application with my full knowledge and acceptance.

Signature of Owner

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

Notary Public

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MEMORANDUM OF DISCLOSURE

PROJECT: _____

This is a Memorandum of Disclosure in compliance with Section 809 of the General Municipal Law intended to disclose to the Town of Neversink Zoning Board of Appeals the nature and extent of the interest of the undersigned in the project above referenced.

Name: _____

Address: _____

Nature of Conflict: _____

Interest in Application: _____

As a result of the conflict herein above disclosed, I will not be in a position to give advice to the Zoning Board of Appeals or participate in a final decision of the Zoning Board of Appeals relative to this project.

Signed: _____

Dated: _____

AGRICULTURAL DATA STATEMENT

Per § 305-a of the New York State Agriculture and Markets Law, any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on property within a New York State Certified Agricultural District containing a farm operation or property with boundaries within 500 feet of a farm operation located in an Agricultural District shall include an Agricultural Data Statement.

A. Name of applicant: _____
Mailing address: _____

B. Description of the proposed project: _____

C. Project site address: _____ Town: _____

D. Project site tax map number: _____

E. The project is located on property:
 within an Agricultural District containing a farm operation, or
 with boundaries within 500 feet of a farm operation located in an Agricultural District.

F. Number of acres affected by project: _____

G. Is any portion of the project site currently being farmed?
 Yes. If yes, how many acres _____ or square feet _____ ?
 No.

H. Name and address of any owner of land containing farm operations within the Agricultural District and is located within 500 feet of the boundary of the property upon which the project is proposed.

I. Attach a copy of the current tax map showing the site of the proposed project relative to the location of farm operations identified in Item H above.

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**FARM NOTE**  
Prospective residents should be aware that farm operations may generate dust, odor, smoke, noise, vibration and other conditions that may be objectionable to nearby properties. Local governments shall not unreasonably restrict or regulate farm operations within State Certified Agricultural Districts unless it can be shown that the public health or safety is threatened.  
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Name and Title of Person Completing Form 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? 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.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
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.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

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
	<input type="checkbox"/>	<input type="checkbox"/>
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
	<input type="checkbox"/>	<input type="checkbox"/>
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
	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	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?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

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.

<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 may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<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.
_____	_____
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)

PRINT

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FEE COMPUTATION SCHEDULE

Name of Applicant: _____
Location of Property: _____
Section/Block/Lot # _____
Type of Variance _____

APPLICATION FEE: **Payable upon initial application** \$25.00
Date received _____ By _____ \$ _____

PUBLIC HEARING FEE: **Payable prior to Public Hearing** \$25.00 per hearing
____ Notices @ \$_____ each totaling \$ _____
Total \$ _____
Date received _____ By _____

OTHER FEES: **Payable prior to Determination**
Purpose for Fee _____ \$ _____
_____ \$ _____
_____ \$ _____
Date received _____ By _____

TOTAL FEES PAID: \$ _____

Comments:

