

TOWN OF HIGHLAND

SULLIVAN COUNTY, NEW YORK
ZONING BOARD OF APPEALS

PO BOX 138

ELDRED, NY 12732

INSTRUCTIONS FOR SUBMISSION OF APPLICATION

Attached to this instruction sheet are the forms to be utilized in submitting applications to the Town of Highland Zoning Board of Appeals (ZBA). Filing fee is \$60.00 (includes public notice in the River Reporter and the Sullivan County Democrat).

The Town of Highland ZBA meets on the third Thursday of each month. Applications must be received by the ZBA Secretary no later than 30 days prior to the monthly meeting. Requests for informal pre-application conferences must be made no later than 12 days prior to the monthly meeting.

A complete application must be made consisting of all information as identified in paragraph D labeled DOCUMENTATION on the application form. An application will not be placed on the agenda until a complete application is received. The application is not considered complete until all materials are provided to the ZBA Secretary.

The short Environmental Assessment Form is required for all USE VARIANCE applications. Generally, an Environmental Assessment Form is not required in connection with an application for an AREA VARIANCE.

Section 809 of the General Municipal Law provides that every application to the ZBA shall disclose the name, residence, nature, and extent of any interest of any State, County, or Town employee in the application. For purposes of section 809 of the General Municipal Law, an officer, or employee of the Town, County, or State shall be deemed to have an interest in an application when he or she, his or her spouse, or their brothers, sisters, parents, children, grandchildren or the spouse, significant other of any of them:

- (a) Is the applicant;
- (b) Is an officer, director, partner or employee of the applicant;
- (c) Owns or controls stock of a corporate applicant or is a member of a partnership or association applicant; and
- (d) Is a party to an agreement with an applicant, whereby he may receive any payment or other benefit that is contingent upon favorable approval of such application.

When an application is complete, and all required information has been submitted, a public hearing will be scheduled.

The Secretary of the ZBA will send letters notifying the owners of all properties within 500 feet of the applicants property of the time and date of the public hearing. These notices will be sent certified mail,

REVISED 09/2020

Pg. 2 INSTRUCTIONS FOR FILING APPLICATION

return receipt requested. There is a charge of \$7.00 per notice due to cover the cost of postage and to cover the cost of preparing the required notices.

The ZBA must make a decision on an application within 62 days after the public hearing is completed. Generally, a decision can be expected to be rendered at the meeting following the meeting at which a public hearing is held.

The Town of Highland requires applicants receiving variances to file a copy of the resolution granting the variance in the office of the Sullivan County Clerk.

Any questions please call the Town of Highland Town Clerk@ 845-557-6085

ZBA USE ONLY:

Application No. _____

Date Application Received: _____

Date of Hearing: _____

Date of Decision: _____

APPLICATION TO
TOWN OF HIGHLAND
ZONING BOARD OF APPEALS

Appeal of _____ Telephone No. _____

(Name)

(Address)

(Name and Address of Agent/Attorney, if Applicable)

A. STATEMENT OF OWNERSHIP AND INTEREST:

1. The applicant(s) is (are) the (owner) or (agent) of property know as

(Street Address)

generally located at _____

(Describe by Reference to Street intersections, property of others, etc.)

2. The property is identified on the most recent tax roll of the Town of Highland 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 ()

Zoning Law Section

Subject Matter of Section

Change Requirement

From

To

2. Reasons for Requests (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. In case of construction, submit plans:

(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 Highland 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 dated _____, 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 matter.

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.
 - a. Most recent deed to the property
 - b. A portion of the tax map on which the property which is the subject of this application has been outlined in red
 - c. The Notice of Disapproval from the Code Enforcement Officer from which this appeal is taken (if applicable)
 - d. Drawing to scale or survey showing the location and size of the existing and proposed improvements (including alterations) on the property which is the subject of this application

E. FEE:

1. Enclosed is my non-refundable fee of \$60.00 (not including postage fees), which I realize must be paid at the time my application is submitted or will not be processed.

Signature of Applicant

Sworn to before me this _____ day

of _____, 20____.

Notary Public

Fee Received on _____, 20____.

By: _____

TOWN OF HIGHLAND
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 filed with the Town of Highland 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

APPENDIX E

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSEMENT 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. Is proposed action:

_____ New _____ Expansion _____ Modification/Alteration

5. Describe project

briefly: _____

6. Precise location (Road intersections, prominent landmarks, etc. or provide map)

7. Amount of land affected:

Initially _____ Acres - Ultimately _____ Acres

Will proposed action comply with existing zoning or other existing land use restrictions?

Yes No If no, describe briefly.

8. What is the present land use in vicinity of project?

Residential Industrial Commercial Agriculture
 Parkland/Open Space Other

Describe: _____

9. Does action involve a permit/approval, or funding, now or ultimately, from any other governmental agency (Federal, State or Local)?

Yes No If yes, list agency(s) and Permit/Approvals.

10. Does any aspect of the action have a current valid permit or approval?

Yes No If yes, list agency name and Permit/Approval type.

11. As result of proposed action, will existing permit/approval require modification?

Yes No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicate/Sponsor Name: _____

Date: _____

Signature: _____

NAME OF LEAD AGENCY

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)

Date

TO BE FILED OUT BY THE CHAIRMAN OF THE ZONING BOARD OF APPEALS

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? 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	YES
			<input type="checkbox"/>	<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	YES
			<input type="checkbox"/>	<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				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input type="checkbox"/>	
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	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		

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?	<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"/>
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"/>

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.

<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 FORM