TOWN OF HARRISON, NY
ZONING BOARD OF APPEALS,
INSTRUCTIONS FOR APPLICATION

Zoning Board meetings are held once a Month, on the second Thursday, at 8:00 p.m., at the Municipal Building, 1 Heineman Place, Harrison, N.Y.

The submission deadline is the 17th day of the month for the next months or next available meeting of the Board. There is a limit of eight (8) applications for each meeting.

SUBMISSION REQUREMENTS:

TEN (10) collated sets (original & nine (9) copies), of the following:

1) A fully completed Zoning Board application, signed & notarized, on which the block & lot number of the property has been verified & initialed by a Staff Person from the Town's Assessor's Office;
2) A completed Environmental Assessment Form;
3) A letter from the Town's Building Inspector citing his reasons for denying a Permit (Planning Board referrals must also include copy of the Planning Board's Resolution of referral to the ZBA);
4) Construction plans, signed & sealed by an architect or engineer, including a site plan or survey;
5) If the applicant is not the owner of the subject property, written authorization from the property owner for the applicant to make the appeal on his/her behalf must be provided;
6) Any additional correspondence or information submitted in support of the application.

FEES: (Check made payable to the Town of Harrison, NY)

a) Application Fee:

Residential Property	$ 200.00
Commercial Property	$ 400.00

b) The applicant is also required to reimburse the Town for the cost of the public notice of hearing, which must be published in the Newspaper for the application.

**** ***Incomplete Submissions Will Not Be Accepted*** ****

NOTIFICATION REQUIREMENTS:
Once an application is accepted, the Applicant must notify, by mail, property owners surrounding the subject parcel of their appeal to the Zoning Board. The Applicant is responsible to visit the Town Assessor's Office to compile a list of the surrounding property owners from the Assessor's records, in accordance with the requirements of Section 235-58 of Town Code (see attached). The Zoning Board Office will supply the Applicant with a notice, which the Applicant will be required to mail, at his/her expense, to the surrounding property owners. The mailing must be done not more than 15 nor less than 8 days before the scheduled meeting date, by certified mail, return receipt requested, in accordance with Section 235-58.

Proof of mailing, in affidavit form, including a listing of those notified (by tax block & lot, name and address), must be submitted to the Zoning Board Office prior to the day of the hearing. Failure to properly notify the surrounding property owners as specified by the Zoning Ordinance will delay the hearing of the application.

SIGN:
Posting of a sign on the subject property is also required (Section 235-82). The Applicant is responsible to obtain and post a sign at his/her expense (see instructions for the sign attached). The sign must be posted at least 2 weeks prior to the meeting date. Failure to properly post the sign as specified by the Zoning Ordinance will delay the hearing of the application.

REQUIRED SIGNS

1. Applicant shall post a sign on the property referred to in a variance application on or before the fifteenth day prior to the hearing.
2. The sign shall be at least 30" x 20", constructed of sturdy material with legible black lettering at least 2" high on a white background and shall read:

   ON THIS SITE A (DESCRIBED VARIANCE REQUESTED IS PROPOSED. THIS MATTER WILL BE DISCUSSED AT A ZONING BOARD OF APPEALS MEETING ON (GIVE DATE) AT (GIVE TIME) PM AT THE HARRISON MUNICIPAL BUIDING
3. The sign shall be placed in a location plainly visible from the most commonly traveled street the property faces, but in no case more than twenty feet from such lot line, and at least six feet above the ground.
4. Applicant shall update the sign at least two weeks prior to every Board meeting at which the matter will be heard.
5. Applicant shall submit an affidavit to the Secretary prior to each meeting certifying to the fact and the date of the posting.

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§ 809. Disclosure in certain applications

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulations constituting the zoning and planning regulation of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.

2. For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them

(a) is the applicant, or
(b) is an officer, director, partner or employee of the applicant, or
(c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
(d) is a party to an agreement with such an applicant, express or implied,

whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of each application, petition or request.

3. In the county of Nassau the provisions of subdivisions one and two of this section shall also apply to a party officer. "Party officer" shall mean any person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision four of section two of the selection law.

4. Ownership of less that five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.

5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

§ 235-58. Jurisdiction; application and public hearing procedure; fees.

F. The applicant shall give adequate prior written notice to Affected property owners by certified mail, mailed not More than 15 days nor less than 8 days before the Date of the public hearing. "Affected property owners" shall be defined as owners of properties neighboring the subject property as follows:

(1) In the R-2.5, R-2, R-1, SB-0, SB-1, SB-35 and SB-100 Districts, property owners within 500 feet of the subject property.

(2) In the R-1/2 and R-1/3 Districts, property owners within 300 feet of the subject property.

(3) In all other Districts, property owners within 100 feet of the subject property.

IMPORTANT

The New York State Law controlling Zoning Boards has been amended effective July 1, 1992.

Please read the following excerpt and be prepared to show the Board how you meet the standards for the type of variance you are requesting.

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, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of the ordinance or local law.

(b) no such use variance shall be granted by a Board of Appeals without a showing by the applicant that applicable zoning regulations and restriction have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that:

(1) 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;
(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 has not been self-created.

(c) the Board of Appeals, in the 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.

Area Variances:

(a) the Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of an administrative official charged with the enforcement of such ordinance or local law, to grant area variances from the area or dimensional requirements of such ordinance or local law.

(b) in making it's determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variances 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 the granting of the area variance;
(2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
(3) whether the request area variance is substantial;
(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
(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 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.

SHORT ENVIRONMENTAL ASSESSMENT FORM ALSO MUST BE FILLED OUT

Application to
ZONING BOARD OF APPEALS
Town of Harrison

Date of Disposition _____ Calendar No. Z_____
Disposition _____ Dated Filed: _____

Street Address of Property _____

Tax Assessment Map Block: _____ Lot: _____

Zoning District: _____

Applicant: _____

Applicant's Address: _____

Applicant's Telephone Number: _____

Property owner: _____

Address: _____

Telephone No.: _____ Fax No: _____

Signature of property owner: _____

Person presenting application (architect, attorney), if applicable:

_____ Title: _____

Address: _____

Telephone No: _____ Fax No: _____

Requested Action: ____/Area Variance ____/ Use Variance ____/ Other _____
Basis of Jurisdiction: ____/ Appellate ____/ Original ____/ Other _____
Date of Denial letter: _____ (*You must attach a copy of the denial letter*)

What Section(s) of the Harrison Town Code is (are) in question?

What is the general objective of this application? What do you want to do that you have been told you cannot do?

What specific relief is requested from the Board of Appeals? If a variance is requested, state the applicable zoning requirement (*e g.* number of feet) and the requested variance (*e.g.* number of feet) from that requirement.

Is this property completely conforming with all the requirements of the Zoning Code, except for the relief requested by this application? _____ If not, specify why not. **NOTE: The Zoning Board will not hear an application for a variance if there are existing violations other than those that would be cured by the requested variance(s).**

Have any previous applications been made to the Board of Appeals or Planning Board concerning the property, or any summons or warrant issued for a court appearance concerning the matter in question? <u>If so, summarize the proceeding and the disposition and attach a copy of each decision and/or resolution.</u>

Is there any alternative to the proposed improvement or relief? _____ If there is, describe the alternative and explain why you are not adopting it. State whether the alternative would also require relief from the Board of Appeals.

List the name, address and extent of interest in this application of any employee(s) or officer(s) of the Town or Village of Harrison.

On a separate paper,
1. *For area variances, set forth*:
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;
(i) what 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 variances;

(ii) why the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance;
(iii) how substantial is the requested area variance;
(iv) why proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
(v) how the alleged difficulty was created.

2. *For use variances, set forth:*
(i) How the applicable zoning regulations and restrictions have caused unnecessary hardship;
(ii) Demonstrate that for each and every permitted use under the zoning regulations for the particular district where the property is located that:
(A) the applicant cannot realize a reasonable return and set forth or attach competent financial evidencing of such lack of reasonable return;
(B) the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
(C) the requested use variance, if granted, will not alter the essential character of the neighborhood; &
(D) the alleged hardship has not been self-created.

I understand that I must attach: (1) a copy of the Building Inspector's decision or denial letter; (2) a short form Environmental Assessment form; (3) a survey of the property showing all features relevant to the variance; & (4) a copy of any prior decisions or resolutions regarding the property and submit an original and 9 copies of all the papers to the Secretary of the ZBA. Incomplete applications may not be accepted or put on the agenda.
I also understand I must also post a sign pursuant to section 235-82 and send written notification by certified mail, return receipt requested pursuant to section 235-83 before your appeal will be heard.

I hereby depose and say that all of the above statements and all statements contained in papers submitted with this application are true.

Sworn to before me
_____ day of _____, 20____

_____
Title:

_____
Notary Public, State of

Does this application require referral to the Westchester County Department of Planning? ____

_____
Building Inspector

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**	**YES**
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**
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. ☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____ ☐ Parkland				

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations?			
b. Consistent with the adopted comprehensive plan?			

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		
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?		
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: _____		
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		
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?		
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: _____		

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

	NO	YES
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?		
16. Is the project site located in the 100 year flood plain?		
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? ☐ NO ☐ YES		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____		

	NO	YES
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: _____		
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: _____		
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: _____		

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?		
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)?		

	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?		
11. Will the proposed action create a hazard to environmental resources or human health?		

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.

☐ 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)