

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 REQUIREMENTS:

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 BUILDING
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.

§ 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 than 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? If so, summarize the proceeding and the disposition and attach a copy of each decision and/or resolution.

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

PROJECT I.D. NUMBER

617.20

Appendix C

SEQR

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. IS PROPOSED ACTION: <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) 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 name and permit/approval	
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

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by 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 patterns, 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 CEA?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	
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 and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ 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.

☐ 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

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