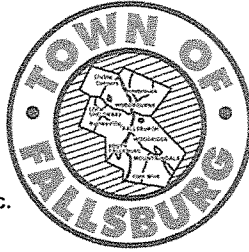


**Mollie Messenger**

Code Enforcement Officer

**TOWN OF FALLSBURG  
CODE ENFORCEMENT OFFICE**

Member: New York State Building Officials Conference, Inc.



5250 MAIN STREET  
SOUTH FALLSBURG  
NEW YORK 12779  
(845) 434-8811  
FAX: (845) 434-5883

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TO: **ZONING BOARD APPLICANTS** **AREA VARIANCE**

FROM: **TOWN OF FALLSBURG ZONING BOARD OF APPEALS**  
**DENISE MONFORTE, CLERK**

SUBJECT: **PLACEMENT ON ZONING BOARD OF APPEALS AGENDA**

All Zoning Board Meetings are held on the third Thursday of each month at 7:00 pm.

Date of Next Meeting: \_\_\_\_\_

Deadline for Submission: \_\_\_\_\_

In order to appear at a scheduled meeting of the Town of Fallsburg Zoning Board of Appeals, ALL of the following information must be on file in the Code Enforcement Office, **NO LATER THAN FIFTEEN (22) DAYS PRIOR TO THE DATE OF THE MEETING:\*\***

1. Completed Variance Application (**11 copies**)
2. Environmental Assessment Form (SEQRA) - Both sides please. (**11 copies**)
3. Site Plan Description (Drawing) (**11 copies**)
4. List of Adjoining Property Owners Located Within 300' of Property Line (**1 copy**)
5. \$100.00 Filing Fee (check made payable to the Town of Fallsburg - no cash accepted)
6. WRITTEN request to be placed on the Agenda for ANY upcoming Zoning Board of Appeals Meeting.

All packets must be put together with one each (#1, #2, #3) and stapled together as a packet. Do not submit 11 copies of each item separately. They must each form a packet for each Board member.

**NO VERBAL REQUESTS WILL BE ACCEPTED**

Legal Notices must be mailed **Certified** to all adjoining property owners located within 300' of the property line. The Code Enforcement Office will provide legal Notice.

\*\* Mailings are the responsibility of the applicant or representative thereof. **Notices must be mailed no more than ten and no less than five days from the date of the meeting.** The white certified mail receipts must be submitted at the meeting for which application is scheduled; they will subsequently be filed with the application in the Code Enforcement Office.

\*\*\* The property will be posted with the official ZBA sign no later than the Friday before the meeting. If the property is not posted, the **application will be withdrawn from the agenda** the night of the meeting. There will be a \$50.00 deposit for the sign that is refundable upon receipt of the sign.

**ZONING BOARD OF APPEALS**  
TOWN OF FALLSBURG  
5250 MAIN STREET  
S. FALLSBURG, NY 12779

APPLICATION FOR AN AREA VARIANCE

APPLICANT NAME(S): \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ SBL: \_\_\_\_\_

\_\_\_\_\_ ZONE: \_\_\_\_\_

DIRECTIONS TO THE SITE: \_\_\_\_\_

TO THE ZONING BOARD OF APPEALS:

1. STATEMENT OF OWNERSHIP AND INTEREST:

The undersigned applicant(s) residing at, having a principal place of business at:  
\_\_\_\_\_ is/are the  
Owner(s), Lessee(s), or Other as follows:  
\_\_\_\_\_

**Section 2 MUST** be filled out in its entirety for each section of the code for which you are requesting a variance, in order to be placed on the Zoning Board of Appeals. Use additional sheets as needed.

2. REQUEST:

1. Town of Fallsburg Section:  
\_\_\_\_\_

2. Purpose Variance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Extent or scope of variance:

3. from \_\_\_\_\_  
4. To \_\_\_\_\_

3. Attached hereto is a plan of the subject premises drawn to scale showing the following:

1. Name of record owner(s) of premises and of all adjoining properties.
2. Location of existing structures.
3. Location of proposed structures.
4. Location of all existing and proposed streets or highways.

5. Any other information pertinent to application.

4. REASONS FOR REQUEST:

The benefit to the applicant as weighed against any detriment to the health, safety and welfare of the neighborhood or community is in favor of the applicant as follows: (Add information for the Board which fully explains the following factors):

1. No undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance because

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2. The benefit sought cannot be achieved by some method feasible other than the area variance because

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3. The area variance is not substantial because

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4. The proposed variance will have not an adverse affect/impact on the physical or environmental conditions in the neighborhood/district because

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5. The alleged difficulty was not self created (which shall be relevant but not necessarily preclude the variance) because

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6. This is the minimum variance deemed necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because

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The board of appeals shall, in granting of both use variances 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 ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of applicant(s)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me came \_\_\_\_\_,  
to me known to be the individual(s) described in and who executed the  
foregoing application for a variance and acknowledged that he/she/they  
executed the same.

\_\_\_\_\_  
Notary Public

\*\*\*\*\* NOTE \*\*\*\*\*

As per section 130.13.6I of the Town of Fallsburg Zoning Law,  
variances expire 6 months after the date it was granted if no  
work has begun with regard to the approved variance.



**TOWN OF FALLSBURG**  
**CODE ENFORCEMENT OFFICE**  
Member: New York State Building Officials Conference, Inc.

5250 Main  
South Fallsburg, NY  
(845) 43-  
Fax: (845) 43-

Code Enforcement Officer

**OWNERS PROXY**

(Owner) \_\_\_\_\_ deposits and states that he/she resides  
at:

\_\_\_\_\_  
\_\_\_\_\_

And that he/she is the owner of the premises described in the attached application for a building permit/zoning application/planning board application and further states that he/she has authorized \_\_\_\_\_ to make said application, secure any necessary permits and approvals, call for inspections, and request a certificate of occupancy upon satisfactory completion of the work described in said application.

Date: \_\_\_\_\_

\_\_\_\_\_  
Owners Signature

\_\_\_\_\_  
Witness' Signature

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.

<b>Part 1 - Project and Sponsor Information</b>				
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"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> 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:	<input type="checkbox"/>	<input type="checkbox"/>
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**



**TOWN OF FALLSBURG  
CODE ENFORCEMENT OFFICE**

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5250 Main Street  
South Fallsburg, NY 12779  
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Fax: (845) 434-5883

MOLLIE MESSENGER  
Code Enforcement Officer

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the Zoning Board of the Town of Fallsburg, County of Sullivan, State of New York will hold a Public Hearing at **12 Laurel Avenue, South Fallsburg, New York (the Senior Center)** on \_\_\_\_\_, at 7:00 pm on the approval of the proposed variance on the

**LANDS OF:**

**LOCATED ON:**

**PROPOSED APPLICATION IS FOR:**

The application of the proposed variance is on file and may be inspected at the Code Enforcement Office, 5250 Main Street, South Fallsburg, New York prior to the public hearing.

Dated: \_\_\_\_\_.

By order of

TOWN OF FALLSBURG ZONING BOARD

Steven Burke

Chairman

PLEASE MAKE SPECIAL NOTE OF THE FOLLOWING  
ZONING SECTION 130-10.6-I CONCERNING  
EXPIRATION OF A VARIANCE:

SECTION 130-10.6-1 EXPIRATION:  
UNLESS CONSTRUCTION IS COMMENCED AND DILIGENTLY PURSUED  
WITHIN SIX [6] MONTHS OF THE DATE GRANTING OF THE VARIANCE,  
SUCH VARIANCE SHALL BECOME NULL AND VOID

IT IS IMPORTANT THAT YOU REQUEST FROM THE ZONING BOARD AN ADDITIONAL  
AMOUNT OF TIME IF FEEL YOU WILL NEED MORE IN REGARDS TO ACTUAL  
CONSRUCTION START. AN OPEN ENDED REQUEST WILL NOT BE CONSIDERED.

YOU MAY MAKE THIS REQUEST IN YOUR APPLICATION OR IN PERSON ON THE DATE  
OF YOUR VARIANCE HEARING AND THE DECISION MUST BE MADE A CONDITION OF  
APPROVAL AND PART OF THE RECORD.

YOUR FAILURE TO REQUEST THIS IMPORTANT CONDITION OF APPROVAL WILL  
CAUSE YOUR APPROVAL TO BECOME NULL AND VOID AFTER SIX MONTHS IF  
CONSTRUCTION IS NOT COMMENCED. YOU WILL BE DENIED A BUILDING PERMIT  
AND WILL NEED TO RE-APPLY FOR A NEW VARIANCE.

SIMPLY OBTAINING A BUILDING PERMIT DOES NOT CONSTITUTE  
COMPLIANCE WITH THIS SECTION OF THE ZONING CODE.

BY SIGNING, I STATE I HAVE READ AND FULLY UNDERSTAND THE  
ABOVE .

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_

THIS DOCUMENT MUST BE SUBMITTED WITH  
YOUR APPLICATION.

Each of the following findings of fact shall be made in writing by resolution by the Zoning Board of Appeals prior to granting such variances.

A. Area Variances

1. The strict application of the literal terms of this Chapter would present practical difficulties in the use of the property. The term "practical difficulties" shall be deemed to exist where each of the following has been determined:
  - a. The applicant has proved he cannot make a reasonable use of his land due to its particular size, shape or grade.
  - b. The applicant has proved that economic injury will result from literal application of the standards of this Chapter and the Town has failed to show that the public health, safety and welfare will be served by upholding the application of the standards and denying the variance.
  - c. The applicant has proved the variance, if granted, would be the minimum necessary to render relief and the difficulty could not be obviated by some method feasible for the applicant to pursue, other than a variance.
  - d. The applicant has proved the variance, if granted, ~~will not change the permitted density~~ for the parcel.
  - e. The applicant has proved the variance, if granted, would not change the character of the district or be a substantial detriment to adjoining properties.
  - f. The applicant has proved the variance is not requested for reasons of mere inconvenience, aesthetic tastes or more profitable use.
  - g. The applicant has proved the variance would be consistent with the spirit of this Chapter and the Town of Fallsburg Comprehensive Zoning Plan.
  - h. The applicant has proved the practical difficulties are not self-created. This requirement shall be strictly enforced and practical difficulties related to properties acquired by the applicant subsequent to the effective date of this Chapter shall be deemed self-created.

# RELEASE FORM/ZBA SIGN

DATE \_\_\_\_\_

PAID BY:

- CASH
- MONEY ORDER
- LAWYER'S ESCROW CHECK
- OTHER

The sign must be returned no later than 1 week after the ZBA meeting or the deposit will be forfeited.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

ZBA sign was returned on \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date