

TOWN OF FALLSBURG
ZONING BOARD OF APPEAL
APPLICATION
GUIDELINES

Building Department
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TOWN OF FALLSBURG ZONING BOARD
APPLICATION GUIDELINES

Zoning Board

The Town of Fallsburg Zoning Board of Appeals ("Board") is comprised of seven volunteer members of our community. The Board meets once a month on the third Thursday at 8:00 p.m. at the Seniors Citizen Building, 12 Laurel Avenue, South Fallsburg. The Board has oversight of applications for Land and Use Variances.

Application Process

All applications are received by the Building Department from 9 a.m. – 4:30 p.m. Monday-Friday

Application Fee is \$75.00 / A \$50.00 cash deposit is required for the use of a ZBA sign that will be returned to you upon receipt of the sign

Applications should be filed at least ten working days prior to the next meeting in order to be placed on the agenda.

Once your application is filed you will be notified when to appear.

If you are unable to attend the meeting, please notify the Building Department immediately so you can be rescheduled.

What to Expect When You Appear Before the Board

When you appear before the Board be prepared and be on time.

Special Use Permits require a detailed site plan showing structure placement, parking, signage, driveways, landscaping and any other details the Board feels are pertinent to your project.

At your first appearance before the Board you will be informed if a public hearing is necessary.

Some use permits require approval or licenses from other government agencies, such as Dept. of Health, Dept. of Motor Vehicle, County, State or Town Highway Depts.

State Environmental Quality Review Act

The State Environmental Quality Review Act (SEQRA) is a State Law that requires certain actions in the State of New York to be subject to this review. There are two types of reviews; short form and long form. Short form is used internally by the Town of Fallsburg. Long form is used for large projects usually when other agencies are involved. The long form is a more extensive process. Both forms are used to determine if there will be any detrimental or adverse effects to the area due to your project. Terminology: Positive Declaration - adverse effects. Negative Declaration – no adverse effects. You or your representative will be guided through this process if it is needed.

Public Hearing

A public hearing is an opportunity for the Board and yourself to receive comments and take questions from the community and any other appropriate agencies.

Special Use permits require a public hearing.

Should the Board set a public hearing it is usually scheduled for the next Board meeting or the next available meeting date when you are ready with all the required information.

If a public hearing is set, you may be required to send the adjoining property owners a certified letter indicating the date, time, place and reason for the public hearing.

The Building Department will help you gather the names and addresses. A sample letter and application is available from the Building Department.

At the public hearing you will be required to provide evidence of the certified mailings. During the public hearing written or oral comments will be heard regarding your project. Comments may be from adjoining property owners or any other interested party wishing to be heard.

Decision and Permits

At the close of the public hearing the Board *may* approve your project or you may need to return with more information. In some instances your project may be approved with conditions. Special Use Variances may need to be referred to the Planning Board for their approval.

At any time, the Building Department will assist you with questions you may have. Please call (845) 434-8811 between 9 a.m. and 4.30 p.m. Monday-Friday.

Have You Remembered To:

- File your application timely?
- Pay your fees? \$75.00 check / \$50.00 cash
- Confirm your meeting date, time and location?
- Send your certified letters?
- Keep the receipts for your certified letters and bring them with you?
- Inform your surveyor, engineer, etc. of meeting date?
- Have you gathered all necessary information for the Board?
- Have you contacted other Agencies for permits or licenses?

Applying For A Variance

Zoning board meetings are held the 3rd Thursday of every month at 8PM.
Meetings are held in the Fallsburg courtroom next to the Police Station.

Filling out your application.

1. Applications must be submitted no later than 15 days prior to the meeting.
2. Presenting a properly filled out application is one of the most important aspects of applying for a variance. [Attached with your application you will find sample copies of properly filled out generic applications. The answers on these applications may not directly apply to your application and should be used as a guide only.]
3. Be sure your application is neat and completely filled out. **If any parts of the required questions are left blank the Zoning board will not hear your case and the application will be denied.** If additional room is required you may use another paper.
4. Be precise with the directions so ZBA members can find your property
5. The Zoning Board Chairman fills out the back portion of the short environmental sheet at the meeting. **You must fill out the front page only.**
6. If you have a recent survey submit it with your application.

Notifying The Public.

Property owners within 300 feet of your property lines must be notified of your intentions seeking a variance. The Code Enforcement Office will provide you with the list of these properties when a variance is sought. You will look up the name and address of these property owners and notify them by certified mailing.

1. It is imperative that you do the mailings on the date specified. This will always be the Monday of the week prior to the meeting you will attend. If this Monday is a legal holiday you will be told of an alternative mailing date.
2. You must bring the proof of mailings with you the night your application is to be heard. **If you fail to provide the proof of mailings your application will not be heard.**

Identifying Your Property.

You must identify your property with a ZBA sign provided by Code Enforcement Office so that the ZBA members may locate the property when they visit the site
A \$50.00 deposit is required for the sign. Be sure it is clearly visible for the ZBA members to see.

If board members can't find your property they may not hear your application so be precise with the directions so ZBA members can find your property.

In case of sign shortages you will be asked to make a sign to identify your property.

It should be approx. 12"H x 24"W" with a white back ground and large black ZBA letters.

Remember, in most cases the ZB members may not know where your property is so make it easy to locate.

Necessary Paper Work To Provide For The Meeting.

When applying for a variance it is **required** that you provide a detailed plot plan for members of the Zoning Board to review. A plot plan is detailed drawing of a look at your property from above that will clearly show your property lines in conjunction to the adjoining streets and adjoining properties. A description detailing where the current structures are should be shown and measurements showing how far each structure is from the property lines, other structures, streets, etc. should be clearly shown. The more detail in the plot plan showing what you now have and what you want is strongly encouraged as the board may not hear your application if detail is limited. A sample of a "simple" plot plan is attached for you to review. Remember, the more information you provide the board members on a clearly defined plot plan the better your chances are of having your application heard and fully reviewed. While a plot plan is **required** with all variance applications if you have a recent survey it is recommended that you submit it with your application. Pictures are allowed if you desire to bring them for the board members to review at the time of the meeting or you may submit pictures with your application. **If a plot plan is not submitted your application may not be heard.**

Recommended Site Work Markings.

When applying for an area variance where a new structure is to be placed on the property it is recommended that you "stake off" the footprint of the structure you are applying for a variance for. While this is not mandatory it is recommended so as to make your application easier to visualize by a visiting board member. If you are unsure of your property lines it is mandatory that you obtain a partial survey of the area in question.

For example; if your variance application is for an addition on your home that you would like to build closer to the side property line than your zone currently allows, place visible stakes where each corner of the structure would be so it is clearly defined. Colored ribbon or paint on the stake would be useful for visual purposes. Also make sure the property line in question is clearly defined with visible stakes or colored ribbon.

At The Meeting.

You or your representative will be asked to step up and state your name for the record. The meeting is being taped so speak in a voice that can be heard clearly by the recorder, board members and the public. You will make your presentation and tell the board the reason for your application. When you are done the chairman will open the meeting up to the public. At this time the public will speak to the board and present their comments. The chairman may ask that you answer any questions that the public or board may have. Direct all your answers to the board members unless the chairman says otherwise. The Town attorney will be present and may advise the board on relevant legal issues concerning your application or advise on conditions that may be recommended concerning your application for possible approval. The board will in most cases vote on your application and you will be notified at the meeting on your application. In some cases if your application is not complete or the board requires additional information you will be asked to come back to the next meeting to submit any additional documentation relevant to your application. This covers most of the application process in the majority of area variance applications.

Remember, most structures require a building permit and a variance approval does not mean construction may start without obtaining a building permit first.

If further info is needed feel free to contact the Code Enforcement Office.
We are here to assist in any lawful way we can.