

VILLAGE OF TARRYTOWN, NEW YORK
ZONING BOARD OF APPEALS
APPLICATION PACKET
(Effective August 21, 2017)

Included in this Zoning Board of Appeals Application Packet are the following:

1. Instructions/Rules for bringing an appeal before the Zoning Board of Appeals
2. Checklist for Initial Submission for Zoning Board of Appeals Application
3. Zoning Board of Appeals Application, including the following additional forms that must be included with the initial submission:
 - a. Zoning Compliance Form
 - b. Short Form Environmental Assessment Form, Part 1 (October 2013 version)
 - c. Environmental Clearance Form
4. Additional forms related to providing notice of the Zoning Board of Appeals' public hearing on the application:
 - a. Template of notice letter to neighboring property owners
 - b. Affidavit of Compliance with Public Notice Requirements

This entire Application Packet is available on the Village of Tarrytown's website at:

<http://www.tarrytowngov.com/planning-zoning-department/pages/documents-forms>

VILLAGE OF TARRYTOWN
Zoning Board of Appeals
One Depot Plaza
Tarrytown, NY 10591
Phone 914-631-1487 Fax 914-631-1571
www.tarrytowngov.com

Rules of the Zoning Board of Appeals and Instructions for Bringing an Appeal

I. Jurisdiction of the Zoning Board of Appeals

- A. The Zoning Board of Appeals' ("ZBA") jurisdiction is appellate only. An application can only be brought before the ZBA if the applicant is appealing the interpretation or determination of an administrative official charged with enforcing Chapter 305 of the Village of Tarrytown Code ("Zoning Code"). In most instances, the applicant will be appealing a Letter of Permit Denial issued by the Building Inspector.
- B. The ZBA can only consider an application/appeal if it is brought within sixty (60) days of the administrative official's determination being filed with the Village.
- C. There are two forms of relief an applicant can seek from the ZBA in bringing an appeal: (1) an interpretation/appeal of determination or (2) a variance (use or area). An applicant can seek either or both forms of relief from the ZBA in the same application. It must be clearly indicated on the application what relief the applicant is seeking.
- D. The ZBA cannot consider an application if there are existing violations on the property unrelated to the variances being sought.

II. Application

- A. The applicant can obtain an application packet from the Village of Tarrytown Planning and Zoning Department ("Planning & Zoning Dept.") at the address stated above, or on the Village of Tarrytown's website at:
<http://www.tarrytowngov.com/planning-zoning-department/pages/documents-forms>
- B. New York Village Law and the Zoning Code govern the substance and procedure of applications to the ZBA. The applicant should familiarize themselves with these provisions and comply with them in making their submission to the ZBA.

- C. The Checklist for Initial Submission for Zoning Board of Appeal Application (“Checklist”) sets forth everything that must be submitted with an application to the ZBA. To the extent templates of any required forms are provided in the Application Packet (which are denoted with a ** next to the form on the Checklist), the applicant must use the form provided. With the exception of the application filing fee, the applicant must submit twelve (12) copies of all documents on the Checklist.
- D. The application must be signed before a notary public by the person(s) or entity making the application, who must either: (i) have a possessory interest in the property (tenant, lessee, purchaser or owner) or (ii) be aggrieved by an interpretation or determination of an administrative official charged with enforcing the Zoning Code. If the applicant is a corporation or other business entity, certain other disclosures are required as detailed in the application.
- E. The applicant may retain a representative(s) to complete the Application, prepare and compile the required documents and/or present the application to the ZBA on the applicant’s behalf. In that case, it should be clearly indicated on the application forms who is the applicant and who is the retained representative and the relationship between the parties.
- F. It is the applicant’s responsibility to complete all portions of the application, including the Checklist, carefully and to provide, together with the Application, all necessary information. Careful attention must be given to answer all questions on the forms and to provide all documentation. Failure to submit the required documents and information will delay the application or result in its denial, since the ZBA cannot review or grant relief based upon incomplete applications.
- G. Notwithstanding the foregoing, based upon an adequate showing by the applicant, the ZBA may waive the furnishing of any documentation included on the Checklist in any specific case.
- H. **Although employees of the Village may provide assistance during the application process, it is the applicant’s responsibility to be familiar and comply with all applicable laws and to submit all necessary plans, documents and information.**
- I. The application must include a filing fee. The fees are as follows:
 - i. **Residential property: \$300.00**
 - ii. **Commercial property: \$900.00**
 - iii. **Renewal of variance: \$75.00**
- J. In the event the ZBA has to retain outside expert consultants to review the Application in order to be able to make a decision on the Application (aside from

the ZBA's attorney and members of the Building Department), the applicant will be responsible for paying the fees associated with those services.

- K. Should it be necessary to remove a tree due to a zoning variance request, the applicant must inform the ZBA of such per the requirements of Chapter 281 of the Village of Tarrytown Code ("Tree Code").

III. Agenda

- A. ZBA meetings are regularly held on the second Monday of every month. However, due to holidays or scheduling conflicts, this may change. It is the applicant's responsibility to confirm the date of the meeting with the Village.
- B. The ZBA can only hold a public hearing on an application if they have a quorum, meaning that three (3) or more of the five (5) members of the ZBA are present at the meeting. If for some reason there will not be a quorum present at the meeting, the meeting will either be rescheduled to a date where a quorum can be present or adjourned until the following month's regularly scheduled meeting. The Village will do its best to give applicants as much advanced notice as possible if this is likely to occur.
- C. A completed application must be submitted by the close of business at least eighteen (18) calendar days before the next ZBA meeting in order for the application to potentially be put on the ZBA's next meeting agenda. This deadline will be strictly enforced and if this deadline is not complied with, the application will automatically be held over until the following month's meeting.
- D. There will be no more than six (6) new applications placed on the ZBA agenda in any given month. Therefore, even if an applicant complies with the deadline set forth above, the application still may not be placed on the next meeting agenda if the ZBA has already received the maximum number of new applications for that month.

IV. Notice

- A. The applicant must, at the applicant's sole expense, provide written notice by certified mail, return receipt requested, to owners of property within 100 feet of the closest property line of the property at issue in the application at least ten (10) calendar days prior to the public hearing. The applicant will be provided with a list of all properties within the 100 foot radius from the Zoning Department.
- B. Included in the Application Packet is a template of the Notice of Public Hearing ("Notice"). The Notice must be completed by the applicant and submitted with the application materials in accordance with Section III(C). It is solely the applicant's responsibility to ensure that the information on the Notice is correct

and consistent with (1) the information in the Application and (2) the determination being appealed.

- C. Upon timely submitting the application materials and the prepared Notice, Village staff will determine whether the application will be placed on the next meeting agenda and will notify the applicant of such. Village staff will also review the Notice for completeness before it is circulated and at the time it notifies the applicant as to whether the application will be placed on the next meeting agenda, the Village staff will also notify the applicant if the Notice is complete for circulation purposes. Based upon the information provided on the Notice submitted by the applicant, the Village will publish notice of the public hearing with the appropriate news outlet Ten (10) days before the ZBA meeting.
- D. The Village will make every effort to ensure a timely response is provided to the applicant and that adequate notice is published with the appropriate news outlet. However, issues arise and sometimes deadlines cannot be complied with for a variety of reasons. In the event appropriate and timely notice is not given of the public hearing, whether due to a delay by the applicant, the Village or otherwise, the ZBA may not be able to hear the application and the application may have to be re-noticed for the next ZBA meeting.
- E. The applicant must also erect a sign facing each public street on which the property abuts, giving notice that such application has been made and that a public hearing will be held. Such signs shall be obtained from the Planning and Zoning Dept. and must be displayed for a period of not less than ten (10) days immediately preceding the hearing date or any adjourned hearing date. The sign shall not be set back more than 10 feet from any property or street line and shall not be less than 2 feet or more than 6 feet above the grade at the property line. Said sign shall be affixed to a suitable frame, which will assure visibility from the street at all times.
- F. Prior to the commencement of the public hearing, the applicant must submit a signed Affidavit of Public Notice Requirements, a copy of the list of property owners within 100 foot radius obtained from the Zoning Department and proof of mailing receipts. This may be done in advance of the ZBA meeting or at the ZBA meeting.
- G. The applicant will not be permitted to seek any relief from the ZBA other than what is stated on the circulated Notice.
- H. If the applicant subsequently amends the application or it is discovered that the information included in the Notice is not accurate or incomplete, the applicant may be required to re-notice the application at the applicant's sole expense. The ZBA will not be able to make a decision on the application until it has been properly noticed to comply with the statutory time requirements.

V. Public Hearing

- A. Assuming all of the above-referenced requirements have been complied with and all of the necessary documentation has been submitted, the ZBA will open a public hearing on the Application as noticed.
- B. The applicant is expected to be prepared to proceed with their application at the public hearing, either in person or by an attorney, architect or another lawfully designated agent, by presenting to the ZBA: (1) the relief sought from the ZBA; (2) a full description of the proposed project that requires the relief from the ZBA; and (3) answering any questions or the ZBA may have. An authorized representative of the applicant is expected to be able to address any and all issues that may be raised by the ZBA related to the application.
- C. During the public hearing, the ZBA may decide that it needs additional information from the applicant in order to make a determination on the application. The applicant must submit twelve (12) copies of any additional information requested by the ZBA no less than five (5) calendar days before the date of the next ZBA meeting.
- D. In the course of considering the application before the ZBA, the ZBA may also be required to take one or more actions in order to comply with the State Environmental Quality Review Act ("SEQRA") and its implementing regulations. SEQRA requires a different analysis than an interpretation/appeal or variance application and therefore the ZBA may have to consider different issues and/or require different information from the applicant than what the ZBA is required to consider in deciding the interpretation/appeal and/or variance application before the Board.
- E. The ZBA will not close the public hearing and make a decision pursuant to SEQRA and/or on the application until it has all necessary information to do so. An applicant's failure to submit the information and/or documentation set forth in the Checklist or any additional information requested by the ZBA may result in the ZBA either not being able to take action on the application or denying the application outright.
- F. So long as the public hearing remains open, the applicant may request that the application be adjourned to a subsequent meeting.
- G. Once the public hearing has been closed, the ZBA will not be able to consider any new information, comments or requests from the public or the applicant.

VI. Decision by ZBA

- A. After the public hearing has been closed and the ZBA has taken any and all necessary actions related to SEQRA, the ZBA will proceed with issuing a

determination on the application. The ZBA can either vote on an oral resolution proposed at the meeting, or the ZBA can ask the ZBA's attorney to draft a written resolution based upon the ZBA's comments on the application. In the case of the former, the resolution will be memorialized in the ZBA's meeting minutes that are reviewed and approved by the ZBA at subsequent meetings. In the case of the latter, a resolution will be drafted and reviewed by the ZBA in advance of the meeting and voted on by the ZBA at the next meeting. In either form, the resolution will subsequently be filed with the Village Clerk's Office.

- B. If the ZBA denies a variance application, the ZBA cannot hear another application for the same variance(s) for the same property for six months.



VILLAGE OF TARRYTOWN

One Depot Plaza, Tarrytown, New York 10591-3199

CHECKLIST FOR INITIAL SUBMISSION FOR ZONING BOARD OF APPEALS APPLICATION

A building permit must be filed and reviewed by the Building Department prior to submitting this application.

Applicant Name: _____ **Proposed Project Address:** _____

Applicable Fee

Applicant Must Submit Twelve (12) Copies of Each of the Following:

- Completed Checklist
- Completed Application**
- Determination being appealed (i.e. Letter of Building Dept. Permit Denial)
- Completed Zoning Compliance Form**
- State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form, Part I (October 2013 version)**
- Completed Environmental Clearance Form**
- Completed Notice of Public Hearing**
- All Certificates of Occupancy or Temporary Certificate of Occupancy for the property, or letter from the Building Department in lieu thereof
- All violations on the property, and proof that they have been corrected
- Copy of all easements and restrictive covenants on the Property
- Photographs of the property (3" x 5" or larger) that depict the location and potential impacts of your application

CHECKLIST CONTINUED ON NEXT PAGE



VILLAGE OF TARRYTOWN

One Depot Plaza, Tarrytown, New York 10591-3199

CHECKLIST CONTINUED:

- Signed, sealed and certified survey of the current status of the property, which has been prepared by a licensed surveyor within the past 12 months of the application date.
Note: where a survey certified within the past twelve months is unavailable and the application does not involve any change to the exterior of the property, the ZBA will accept a certification by the owner that to his/her knowledge the existing survey accurately depicts the current status of the property.
- Signed, sealed and certified plans or drawings prepared by a registered architect or professional engineer depicting the relief requested
- If you do not submit all of the items listed below, a letter explaining the reason for omitting those items and why you believe your application can be considered without providing that information

****Template/blank version of document is included with Application Packet**

NOTE: Your application will not be placed on the Zoning Board agenda until all of the above referenced items have been submitted or it has been determined that based upon your letter some or all of the items listed above are not necessary to consider your application

NOTE: You will have to make supplemental submission(s) in accordance with the Instructions/Rules for Bringing an Appeal

Applicant's Signature

Date

Rev. 4/2016

VILLAGE OF TARRYTOWN
Zoning Board of Appeals
One Depot Plaza
Tarrytown, NY 10591
Phone 914-631-1487 Fax 914-631-1571
www.tarrytowngov.com

FOR INTERNAL USE ONLY:

- | | |
|------------------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> Fee | Application No.: _____ |
| <input type="checkbox"/> 12 copies of all materials | Public Hearing Date: _____ |
| <input type="checkbox"/> Completed Checklist | Agenda No.: _____ |
| <input type="checkbox"/> Completed Application | Relief requested: |
| <input type="checkbox"/> Determination | <input type="checkbox"/> Interpretation(s)/Appeal(s) |
| <input type="checkbox"/> Application that prompted Determination | <input type="checkbox"/> Area variance(s) |
| <input type="checkbox"/> Zoning Compliance Form | <input type="checkbox"/> Use variance(s) |
| <input type="checkbox"/> Short EAF | <input type="checkbox"/> Variance renewal |
| <input type="checkbox"/> C/O or Letter | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Violations, if any | |
| <input type="checkbox"/> Easements/Covenants, if any | |
| <input type="checkbox"/> Photographs | |
| <input type="checkbox"/> Survey | |
| <input type="checkbox"/> Plans | |
| <input type="checkbox"/> Certification, if necessary | |
| <input type="checkbox"/> Letter explaining omission(s) | |

APPLICATION

Date of Application: _____

TO: Zoning Board of Appeals of Village of Tarrytown

I/we _____
(Name of Applicant(s))

of _____
(Complete Mailing Address)

Daytime Phone No. _____ Daytime Fax No. _____

Email address _____ apply to the Board of Appeals regarding the

property located at _____
(Complete Address of Location of Property at Issue in Appeal)

Bearing Village of Tarrytown Tax Map Number: Section ____/Block ____/Lot ____

Located in the _____ Zoning District

Village of Tarrytown
Zoning Board of Appeals Application

Please attach additional pages if you need more space to answer any of the questions below

1. This is an Application for the following (check all that apply):

- Area variance(s)
- Use variance(s)
- Interpretation(s)/appeal(s)
- Variance renewal (prior approval dated _____)
- Other: _____

2. Provide the author, date and description of the determination being appealed (i.e. Letter of Permit Denial from the Building Inspector):

3. If this is an Application for an area variance(s), indicate if you are seeking a variance from any of the following requirements of the Zoning Code (check all that apply):

- Front yard setback
- Street frontage
- Lot width

4. Does the subject property abut a state or county road or park?
___ YES or ___ NO

5. This Application must be made in the name of the person or entity that has a possessory interest in the property, such as a tenant, lessee, purchaser or owner.

-If you are the owner, indicate the date when you acquired title: _____

and if that date was less than 2 years ago, identify the prior owner: _____.

-If you are not the owner, state the name and address of the owner:

and your relationship to the property and the date that relationship commenced:
_____.

6. Is the applicant and/or property owner (check all that apply and provide requested information):

- Corporation – if so, attach a separate sheet of paper listing all of the corporation's officers and shareholders and their percentage of share ownership
- Partnership – if so, attach a separate sheet of paper listing the type of partnership and identify the partners and their partnership interests
- Limited Liability Company – if so, attach a separate sheet of paper listing the members

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Zoning Board of Appeals Application

7. Do any of the following individuals have an interest¹ in the applicant and/or the persons identified in connection with question 4:

- a. Any New York State officer² OR
- b. Any officer or employee of the Village of Tarrytown, Town of Greenburgh or County of Westchester³

YES [] NO []

If you answered yes, state the name, address and nature and extent of each such person's interest:

8. If you have authorized other person(s) to act as your representative or to appear with you or on your behalf before the ZBA, state the name, company, address, telephone number and email address of all such persons:

9. Were any other variance(s) and/or interpretation(s)/appeal(s) applications previously submitted to the ZBA related to this property where a determination was issued by the ZBA (you must also attached copies of any such determinations)? [] YES or [] NO

If you answered yes, with respect to each prior application: (1) state the date of the ZBA's determination; (2) describe the relief sought and whether it is the same as the relief sought in this Application; (3) state whether the application was granted by the ZBA; and (4) describe the sum and substance of the determination by the ZBA:

¹ 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, (b) is an officer, director, partner or employee of the Applicant, (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 such application, petition or request. *See* New York General Municipal Law § 809(2).

² Every officer for whom all the electors of the state are entitled to vote, members of the legislature, justices of the supreme court, regents of the university, and every officer, appointed by one or more state officers, or by the legislature, and authorized to exercise his official functions throughout the entire state, or without limitation to any political subdivision of the state, except United States senators, members of congress, and electors for the president and vice-president of the United States. *See* New York Public Officers Law § 2.

³ "Municipal officer or employee" means an officer or employee of a municipality, whether paid or unpaid, including members of any administrative board, commission or other agency thereof and in the case of a county, shall be deemed to also include any officer or employee paid from county funds. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a fire chief or assistant fire chief. *See* New York General Municipal Law § 800(5).

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Zoning Board of Appeals Application

10. List all permits and approvals you must obtain in order to complete the project that is the subject of this Application and the status of obtaining said permits and approvals (include all permits and approvals needed from any federal, state, county, or local agency or department – see Part 1, Question 2 of Short EAF):

11. Is the property subject to any covenants, easements or other restrictions or encumbrances (you must attach documents indicating any such encumbrance on the property)?

YES or NO

If you answered yes, with respect to each encumbrance, state the date it was established and describe the impact on the subject property.

12. Have there been any violations issued with respect to the property? YES or NO

If you answered yes, state the date of the violation, the provision(s) of the Village of Tarrytown Code that were allegedly violated and if and how the violation was resolved (you must attach documents indicating all violations and, if applicable, how the violation was resolved).

13. Identify the section(s) of the Zoning Code from which you are appealing in this Application and indicate whether you seek a variance or interpretation of that section:

Article _____; Section _____; Subsection _____ - Relief sought _____
Article _____; Section _____; Subsection _____ - Relief sought _____
Article _____; Section _____; Subsection _____ - Relief sought _____
Article _____; Section _____; Subsection _____ - Relief sought _____

For questions 11, 12 and 13: address only those questions that apply to this Application

14. **USE VARIANCE.** A use variance may only be granted if it is determined that the applicable zoning regulations and restrictions cause the applicant unnecessary hardship. New York law requires the applicant to demonstrate all of the following criteria.

**Village of Tarrytown
Zoning Board of Appeals Application**

Explain (conclusory statements are not sufficient) how this Application satisfies each of the criteria and refer to and attach any and all documentation that supports your position. If you address this in a separate letter submitted in support of your application, it must address each specific criterion separately as set forth in the Application.

- a. **The owner is deprived of a reasonable return for each and every permitted use under the zoning regulations for the particular district where the property is located. This deprivation must be established by competent financial evidence (“dollars and cents” proof);**

- 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; and**

- d. **The alleged hardship has not been self-created.**

**Village of Tarrytown
Zoning Board of Appeals Application**

- e. State any other information that you believe would be helpful to the ZBA in deciding the Application.

15. AREA VARIANCE. Under New York law, in hearing an application for an area variance the ZBA is to consider and weigh the following criteria. **Explain** (conclusory statements are not sufficient) how this Application satisfies each of the criteria and refer to and attach any and all documentation that supports your position. If you address this in a separate letter submitted in support of your application, it must address each specific criterion separately as set forth in the Application.

- a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variance;

- b. Whether the benefit sought by the applicant can be achieved by some other feasible method, other than through an area variance;

**Village of Tarrytown
Zoning Board of Appeals Application**

c. Whether the requested area variance is substantial;

d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

e. Whether the alleged difficulty was self-created.

f. State any other information that you believe would be helpful to the ZBA in deciding the Application.

16. INTERPRETATION/APPEAL. If you are seeking an interpretation/appeal of a determination by an official charged with interpreting the Zoning Code (i.e. Letter of

Village of Tarrytown
Zoning Board of Appeals Application

Permit Denial), you must address all of the following: (1) the provisions of the Zoning Code you are seeking an interpretation/appeal of; (2) a detailed explanation of the Village official's interpretation as set forth in the determination you are appealing; (3) a detailed explanation as to why you believe the Village official's interpretation is not correct, being sure to cite to any and all facts and legal authority that support your position; and (4) state the conclusion you believe the ZBA should reach. If you address this in a separate letter submitted in support of your application, be sure all of these issues are addressed in the letter.

Village of Tarrytown
Zoning Board of Appeals Application

It is my responsibility as the Applicant to complete this Application completely and carefully, and to provide twelve (12) copies of this Application, together with all necessary papers, plans, surveys, documents or other required information.

Failure to submit the required documents and information will delay my Application or result in its denial, since the ZBA cannot review or grant relief to incomplete Applications.

It is my responsibility to comply with all related requirements in presenting this Application, and the ZBA reserves the right to request additional documentation and/or drawings, and to condition any requested relief upon the filing of covenants and restrictions.

Although employees of the Village may provide me with assistance, I understand it is my responsibility to be familiar and comply with all applicable laws and to submit all necessary papers, plans, surveys, documents or other required information. I understand that copies of the Village Code are available for my review online at <http://www.ecode360.com/TA1273> and at the Village Clerk's office. I also understand that I may be represented in connection with this Application and at the public hearing by a duly authorized representative.

I HEREBY CERTIFY THAT ALL STATEMENTS MADE ON THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE

Applicant's signature

Sworn to before me
this ___ day of _____, _____

NOTARY PUBLIC

**VILLAGE OF TARRYTOWN
ZONING COMPLIANCE FORM**

OWNER: _____ DATE: _____

PROPERTY LOCATION: _____

SHEET: _____ BLOCK: _____ LOT: _____ ZONE: _____

	Permitted	Existing	Proposed	Variance
MINIMUM LOT SIZE (SQ. FT.)				
REQUIRED MINIMUM STREET FRONTAGE (FT.)				
PRINCIPAL BUILDING COVERAGE (%)				
ACCESSORY BUILDING COVERAGE (%)				
TOTAL COVERAGE (ALL BUILDINGS) (%)				
MINIMUM FRONT YARD (FT.)				
MINIMUM FOR EACH SIDE YARD (FT.)				
MINIMUM 2 SIDE YARDS (FT.)				
MINIMUM REAR YARD (FT.)				
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO PRINCIPAL BUILDING (FT.)				
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO SIDE LOT LINE (FT.)				
MINIMUM DISTANCE FROM ACCESSORY BUILDING TO REAR LOT LINE (FT.)				
MAXIMUM HEIGHT (STORIES)				
MAXIMUM HEIGHT (FT.)				
MINIMUM FLOOR AREA PER DWELLING UNIT (S.F.)				
MAXIMUM LIVABLE AREA				
TOTAL GROSS FLOOR AREA (F.A.R.)				
IMPERVIOUS SURFACE				
PARKING SETBACKS:				
PRINCIPAL BUILDING				
FRONT				
ONE SIDE				
OTHER SIDE				
TOTAL OF BOTH SIDES				
REAR LOT LINE (FT.)				
TOTAL PARKING SPACES				
LOADING AREA				
BUILDING HEIGHT				
NUMBER OF STORIES				
TOTAL HEIGHT				
CORNER LOTS:				
MINIMUM FRONT YARD (FT.)				
MINIMUM FRONT YARD (FT.)				
MINIMUM SIDE YARD (FT.)				
MINIMUM REAR YARD (FT.)				
AREA OF STEEP SLOPES 25% OR GREATER		S.F.		%

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 <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			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
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: _____	<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 <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES	
If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	<input type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	

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"/>
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?	<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"/>

	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

**VILLAGE OF TARRYTOWN
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at [TIME] on [DAY OF WEEK], [MONTH AND DAY], [YEAR], in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

[NAME OF APPLICANT]
[ADDRESS OF APPLICANT]

[IF REQUESTING AN INTERPRETATION/APPEAL:]

To seek an interpretation/appeal of the determination of [NAME AND TITLE OF OFFICIAL WHO MADE DETERMINATION] dated [DATE OF DETERMINATION] finding that [DESCRIPTION OF DETERMINATION, INCLUDING THE PROVISIONS OF THE ZONING CODE THAT ARE IMPLICATED] on the grounds that [APPLICANT'S BASIS FOR THE INTERPRETATION BEING INCORRECT].

[IF REQUESTING A VARIANCE:]

For variances from Chapter 305 of the Village of Tarrytown Code ("Zoning Code") in order to [DESCRIPTION OF PROPOSED PROJECT OR ACTION THAT REQUIRES VARIANCE(S)]. The property is located at [STREET ADDRESS] and is shown on the tax maps as [SHEET], [BLOCK], [LOT] and is in the [ZONE] zoning district.

The variance(s) sought are as follows:

Zoning Code Section	Description of Section	Required by Zoning Code	Existing on Property	Proposed by Applicant	Variance Required

Additional approvals related to the above referenced project will be needed from: [IDENTIFY OTHER AGENCIES THAT THE APPLICANT WILL NEED APPROVALS FROM AND WHAT THE APPROVALS ARE - SEE QUESTION 2 OF SHORT ENVIRONMENTAL ASSESSMENT FORM, PART 1].

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: [DATE]



VILLAGE OF TARRYTOWN

One Depot Plaza, Tarrytown, New York 10591-3199

Environmental Clearance Form

THIS FORM MUST BE COMPLETED BY A N.Y.S. LICENSED PROFESSIONAL

Applicant Name: _____ **Proposed Project Address:** _____

Slope provisions:

a. Does the property contain (as defined in Zoning Code § 305-67(A)(2)):

- | | | |
|--------------|------------------------------|-----------------------------|
| Steep Slopes | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| High ground | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Hilltops | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

NOTE: Applicants must submit a slope map (see Zoning Code § 305-67(E)) and if applicable, a topographical map depicting hilltop or high ground

- b. If the property contains steep slope areas or high ground, submit separate density calculations to ensure compliance with the required exclusion percentages (see Zoning Code § 305-67(B) & (C)).
- c. If a waiver is sought under the Zoning Code § 305-67(F)'s steep slope waiver provision, submit a separate narrative detailing the basis for such waiver request.¹

Wetlands provisions:

a. Does the property contain (as defined in Zoning Code § 305-67(A)(2) and Chapter 302 entitled "Wetlands and Watercourses"):

- | | | |
|--------------------------------|------------------------------|-----------------------------|
| Wetlands | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Wetland/Watercourse Buffer | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Watercourses and/or Watersheds | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

- b. If the property contains any of the above, submit a survey prepared by a N.Y.S. licensed professional delineating the above features.
- c. If the property contains wetlands, submit separate density calculations to ensure compliance with the required exclusion percentage (see Zoning Code § 305-67(B)).

Flood Zone provisions:

- a. Is the property in a flood zone according to the Firm Map? Yes No
- b. If yes, specify the flood zone and submit a narrative detailing how the proposed development complies with Chapter 169, Flood Damage Prevention and any other applicable regulations

Critical Environmental Area:

Is the property wholly or partially within, or substantially contiguous to a Critical Environmental Area? Yes No:

Note: see <http://www.dec.ny.gov/permits/25161.htm> for a list of CEAs in Westchester County

¹ Note, the Planning Board cannot grant waivers from Zoning Code § 305-67(D) prohibiting the erection of new structures or buildings on a "hilltop."

Coastal Resources:

- a. Is the property within a Coastal Area, or the waterfront area of a Designated Inland Waterway?
 Yes No
- b. Is the property within a Coastal Erosion Hazard Area? Yes No

Vegetation:

- a. Does the property contain "significant amounts of existing vegetation" (as defined in Zoning Code § 305-67(A)(2)(e)): Yes No
- b. Is there any tree proposed to be removed that exceeds 4" in diameter at a height of 4'6":
 Yes No
If yes, specify such trees to be removed and proposed replacement trees: _____
- c. Is any tree proposed to be removed a "specimen tree" (see Chapter 281)? Yes No
If yes, specify such trees to be removed and proposed replacement trees: _____

Historic District and Landmarks (as such terms are defined in Chapter 191):

- a. Is the property located within or partially within a historic district? Yes No
- b. Does the property contain a historic landmark? Yes No
- c. Is the proposed project wholly or partly within, or substantially contiguous to a historic district or landmark (as such terms are defined in Chapter 191)? Yes No
- d. Is the proposed project wholly or partially within, or substantially contiguous to a site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places? Yes No

Involved Agencies; Approvals

- a. Is the proposed action located on property within 500 feet of:
 - (1) The boundary of any adjoining city, town or village Yes No
If yes, state which municipality/ies: _____
 - (2) the boundary of any existing or proposed state or county park, recreation area or road right of way?
If yes, who has jurisdiction? Westchester County NYSDOT NYSOPRHP
 - (3) an existing or proposed drainage channel line? Yes No
 - (4) the boundary of state- or county-owned land on which a public building/institution is located?
 Yes No
 - (5) the boundary of a farm located in an agricultural district? Yes No
- b. Will a sewer district have to be expanded for the project? Yes No

c. Are governmental approvals, funding or sponsorship required from any of the following:

- (1) Village Board of Trustees Yes No
If yes, specify what is required: _____
- (2) Planning Board Yes No
If yes, specify what is required: _____
- (3) Zoning Board of Appeals Yes No
If yes, specify what is required: _____
- (4) Architectural Review Board Yes No
If yes, specify what is required: _____
- (5) Other local agencies Yes No
If yes, specify what is required: _____
- (6) County agencies Yes No
If yes, specify what is required: _____
- (7) Regional agencies Yes No
If yes, specify what is required: _____
- (8) State agencies Yes No
If yes, specify what is required: _____
- (9) Federal agencies Yes No
If yes, specify what is required: _____

Easements/Restrictive Covenants:

Does the property contain any easements or restrictive covenants of record? Yes No
If yes, provide copies and depict any easement on the site plan.

N.Y.S. Professional of Record (P.E., L.S. or R.A.):

I certify that the information provided is true to the best of my knowledge

Professional's Signature: _____

Name: _____

License Number _____

Address:

Telephone number:

Email:

Professional Seal:



AFFIDAVIT OF PUBLIC NOTICE REQUIREMENTS

ZONING BOARD OF APPEALS

I hereby certify that I have read and am fully familiar with the requirements with Section 305-111 of the Zoning Code of the Village of Tarrytown and that in accordance with this code; I have caused written notice to be sent by certified mail, to all interested parties as directed in the Code. In addition, I have caused a sign which complies with requirements of the applicable section of the aforesaid Code to be prominently displayed on the subject property in the required manner, giving notice to the public of the pending application, the date, time and place of the public meeting. The said sign has been continually displayed on the property for a period of ten (10) days immediately preceding the public meeting date and until the application has been approved. A dated photograph of the sign displayed on the property shall be submitted as proof. Once the application has been approved, the sign will be removed. I make this affidavit knowing that it shall be relied upon by the appropriate officials as proof of compliance with the requirements of the Zoning Code of the Village of Tarrytown.

Name: _____

Address: _____

Signature: _____