



TOWN OF BEEKMAN
4 MAIN STREET
POUGHQUAG, NEW YORK 12570-9601
TEL: 724-5300 • FAX: 724-3245

**Office of-
ZONING BOARD OF APPEALS**

The meetings for the Zoning Board of Appeals are held on the first Thursday of each month at 7:00 pm at the Beekman Town Hall, in the upstairs meeting room.

The deadline date for all submissions is ten (10) days prior to the meeting date to be placed on that month's meeting agenda.

YOUR APPLICATION CANNOT BE CONSIDERED OR ACTED UPON UNTIL THE FOLLOWING PROCEDURES AND PAPERS HAVE BEEN COMPLIED WITH:

- 1) ALL SUBMISSION MUST INCLUDE ONE ORIGINAL AND SEVEN COPIES OF ALL PLANS AND PAPERWORK.
- 2) The application must be clearly completed and ALL QUESTIONS must be answered (include attachments for Area or Use Variance).
- 3) Short Environmental Assessment Form must be completed for all unlisted actions.
- 4) Consent of property owner, is required.
- 5) As required by the Board, a recent survey or site plan prepared by a licensed, professional Engineer in the state of New York showing existing and proposed conditions. Tax maps and over-all subdivision maps are unacceptable. The survey must indicate in decimal feet all front, side and rear yard setback measurements to any property line. All existing structures should be shown on the survey.
- 6) Concept floor plans and elevations of any new proposed or remodeled structures relevant to the requested variance.
- 7) **Fees** - make checks payable to the "Town of Beekman".
The Application Fee for **Area Variance** is \$ 150.00, which is **nonrefundable**.
The Application Fee for **Use Variance** is \$ 750.00, which is **nonrefundable**.
Escrow fees will also be required (separate check).
* Properties with violations will have additional fees.
* These fees do not include building permit fees.
- 8) **Public Hearing** : Applicants must advertise for a Public Hearing for the first meeting. All adjacent and adjoining property owners must be given at least **10 days notice of the date and time of the public hearing by Certified Return Receipt Mail**. The applicant must also publish a notice of public hearing in the local newspaper and bring the actual notice to the ZBA Secretary prior to the meeting. The notice must be published a **minimum of 10 days , maximum of 12 days prior to the meeting date**. A sample letter to send to neighbors and newspaper is attached.
- 9) **APPLICANT / OWNER OR AN AUTHORIZED REPRESENTATIVE, WITH KNOWLEDGE OF THE PROJECT, MUST BE PRESENT AT MEETING.**

USE AND AREA VARIANCE

Use Variance:

(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 use of 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 the zoning regulations and restrictions 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 Variance:

(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 its determination, the zoning board of appeals shall take into consideration 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. 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 other method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions 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 preserve and protect the character of the neighborhood and the health, safety and welfare of the community.



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APPLICATION TO ZONING BOARD OF APPEALS

PROPERTY OWNER NAME : _____ **PHONE :** _____
ADDRESS : _____ **STATE :** _____ **ZIP :** _____
APPLICANT NAME : _____ **PHONE :** _____
ADDRESS : _____ **STATE :** _____ **ZIP :** _____
LOCATION OF PROPERTY : _____

TAX GRID NO. _____ **CURRENT ZONING :** _____
CURRENT LAND USE : _____ **LOT SIZE :** _____
 _____ **EXISTING SET BACKS :**
FRONT : _____ **FT.**
REAR : _____ **FT.**
SIDE 1 : _____ **FT.**
SIDE 2 : _____ **FT.**

CHECK TYPE OF RELIEF REQUESTED :
 APPEAL DECISION OF CODE ENFORCEMENT OFFICER
 INTERPRETATION OF ZONING ORDINANCE
 AREA VARIANCE
 USE VARIANCE
 OTHER (PLEASE DESCRIBE) _____

TYPE OF ROAD ADJOINING PROPERTY : **TOWN** **COUNTY** **STATE** **PRIVATE**

REFERENCED ZONING ORDINANCE SECTION : _____

REASON FOR VARIANCE REQUEST : _____

CAN PROJECT BE LOCATED ON PROPERTY TO ELIMINTE THE NEED FOR VARIANCE? **YES** **NO**
 (IF YES PLEASE EXPLAIN WHY YOU ARE NOT PLACING IN THAT LOCATION)

HAS A VIOLATION, STOP WORK ORDER OR COURT SUMMONS BEEN SERVED? **YES** **NO**

I, the above-named property owner, grant permission to representatives of the Town of Beekman for on-site inspections of the above-named property associated with this application, to the Beekman Zoning Board of Appeals, at any reasonable hour (including weekends).

Signature of Property Owner _____ Date _____

I, (applicant) affirm that the information provided with this application is true to the best of my knowledge. I hereby grant permission to representatives of the Town of Beekman for on-site inspections associated with this application, at any reasonable hour (including weekends). I have listed all adjacent property owners (including those across any road) on the reverse of this application.

Signature of Applicant _____ Date _____



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APPLICATION TO ZONING BOARD OF APPEALS
TOWN OF BEEKMAN, DUTCHESS COUNTY, NEW YORK

AREA VARIANCE

AN AREA VARIANCE FROM THE STATED SECTION(S) OF THE ZONING LAW IS REQUESTED. (please substantiate the request by answering the following questions in detail).

1. WILL AN UNDESIRABLE CHANGE BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD, OR A DETRIMENT TO NEARBY PROPERTIES BE CREATED, BY GRANTING THE VARIANCE? _____

2. CAN THE DESIRED RESULT BE ACHIEVED BY SOME MEANS OTHER THAN GRANTING A VARIANCE? _____

3. IS THE VARIANCE SUBSTANTIAL? _____

4. WILL THE VARIANCE HAVE AN ADVERSE EFFECT OF IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT? _____

5. IS THE ALLEGED HARDSHIP SELF CREATED? _____



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APPLICATION TO ZONING BOARD OF APPEALS

TOWN OF BEEKMAN, DUTCHESS COUNTY, NEW YORK

USE VARIANCE

A USE VARIATION FROM THE STATED SECTION(S) OF THE ZONING LAW IS REQUESTED for these reasons:

1. STRICT APPLICATION of the Law would deprive applicant of all economic use of benefit of property as demonstrated by the following competent financial evidence

(Appellant must provide the ZBA with dollars and cents proof in support)

2. THERE ARE CERTAIN UNIQUE FEATURES AND/OR CONDITIONS OF THE LAND that are not generally applicable throughout the zone and that make it impossible to earn a reasonable return without some adjustment AS FOLLOWS:

3. THE REQUESTED VARIANCE WILL NOT CHANGE the character or quality of the Neighborhood and will PRESERVE THE "SPIRIT" OF THE LAW because

4. THE ALLEGED HARDSHIP IS NOT SELF CREATED

Sample Legal Notice

Legal Notices must be submitted via email as word documents to:
pjlegals@gannett.com

Ad must be submitted to Poughkeepsie Journal at least five days prior to the desired publication date.

Must include name, address and phone # along with ad.

NOTICE OF PUBLIC HEARING:

Pursuant to the provisions of Town Law #267, a Public Hearing will be held by the Town of Beekman Zoning Board of Appeals on (DATE OF MEETING) at 7:00 pm at Town Hall, 4 Main Street, Poughquag NY for the purpose of hearing all parties interested in the granting of a Variance by the Town Zoning Board of Appeals for (NAME OF APPLICANT) located on (NAME OF ROAD WITH NEAREST CROSS STREET), with regard to: (CHOOSE FROM LIST BELOW).*

By order of: A. Murray Johnson, Chairman
 Town of Beekman Zoning Board of Appeals

- Legal Notices must be published by owner, minimum of ten (10) days prior to meeting date. Publish one day only; specify dates by using day and date. (i.e. Thursday, December 17, 2012). Meetings start at 7:00 pm with all Public Hearings being heard first on the agenda.

***List**

- shed
- accessory structure
- garage (attached or detached)
- pool (above ground or in ground)
- deck
- house
- commercial property
- other _____.

Bring affidavit of publication supplied by Poughkeepsie Journal to meeting.

Sample Letter to Adjoining & Adjacent Property Owners

All adjoining and adjacent property owners must be notified by certified return receipt mail.

A list of names and addresses can be obtained from Legislative Aide at Town Hall.

To Whom it may concern:

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By order of: A. Murray Johnson, Chairman
 Town of Beekman Zoning Board of Appeals

*List

- shed
- accessory structure
- garage (attached or detached)
- pool (above ground or in ground)
- deck
- house
- commercial property
- other _____.

Bring green cards and white receipts to meeting as proof of notification.

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			

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)