

## Town of Dover Zoning Board of Appeals

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522



(845) 832-6111 ext 100  
(845) 832-3188 fax

### APPEAL / VARIANCE APPLICATION

Dear Applicant:

Attached is an application to the Zoning Board of Appeals (ZBA). Please submit all applicable information on the Checklist along with **eight (8) copies of all information** and required fees and escrow to the Building Department at least three weeks prior to the ZBA meeting. Meetings are scheduled for the 1<sup>st</sup> Wednesday of every month at the Dover Town Hall at 7:00 pm (unless specified otherwise).

The applicant is responsible for any costs incurred for public hearing notices and review of the application by town consultants, if needed. A \$100 escrow fee is required with the application in a separate check to cover these costs.

If the matter before the Zoning Board of Appeals was canceled on the part of the applicant, there will be no refund of the application fee.

Applicants before the Board must have all of the information necessary for submittal, as they will be required to pay a new application fee if the matter cannot be heard when scheduled. If it is determined that the application is complete, the applicant will be notified when the public hearing will take place; the Poughkeepsie Journal and all contiguous neighbors will also be notified by the ZBA Clerk. Incomplete applications will not be put on the Agenda.

If an applicant decides to postpone or cancel his/her appearance, please telephone the clerk, **AT LEAST 48 HOURS IN ADVANCE** since there are clerical functions which must take place, i.e., notifying property owners, notice in paper, etc.

Please supply a cover letter and describe the project in your own words including any hardships involved.

The applicant is responsible for adhering to Chapter 145, Sections 145-58 and 145-59 of the Town of Dover Zoning Law available online at [www.TownofDoverNY.US](http://www.TownofDoverNY.US) (Links, Town Code) or from the Town Clerk for a fee.

By signing this letter, the applicant gives permission to all ZBA members to do a site walk on the property prior to the public hearing.

I have read the above and fully understand my responsibilities.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Appeal / Variance Checklist

Eight copies (**supplied by the applicant**) of the following items are required to apply to the Zoning Board of Appeals for a variance, an interpretation of the Town of Dover Zoning Law or a reversal of a decision by the Code Enforcement Officer. An application may not be filed until the Code Enforcement Officer has made a decision on a building or zoning permit application, except where an area variance is requested in connection with a special permit or site plan approval from the Planning Board or Architectural Review Board. **Incomplete applications will not be put on the Agenda.**

- \_\_\_\_\_ Appeals / Variance Application
- \_\_\_\_\_ Disclosure of Interest Form
- \_\_\_\_\_ Cover letter describing the project in detail including any hardships involved
- \_\_\_\_\_ Agricultural Data Statement (for Use Variances only) **if** the property is in an agricultural district and contains a farm operation, **or if** the property is within 500 feet of a farm operation in an agricultural district
- \_\_\_\_\_ Building Permit Application with copies of all drawings and maps showing the proposed building(s) and site alterations with dotted lines and showing existing building(s) and other improvements with solid lines submitted to Building Department
- \_\_\_\_\_ Building Inspector's Denial (Decision of Code Enforcement Officer)
- \_\_\_\_\_ Site plan of the property showing adjacent or nearby villages or towns, county or state parks or other recreation areas, county or state roads or highways, county-owned or managed streams or drainage channels and state-owned lands with public buildings, all other building locations and setbacks from other buildings and property lines noted with measurements within a quarter-mile radius
- \_\_\_\_\_ Copies of all applications, attached information, and decisions if matter is being heard by another Board

### **FEES:**

- \_\_\_\_\_ Application - \$ 100.00
- \_\_\_\_\_ Variance - \$150 (each variance)
- \_\_\_\_\_ Interpretation - \$100
- \_\_\_\_\_ Reversal of Decision by Code Enforcement Officer - \$100
- \_\_\_\_\_ TOTAL (checks payable to Town of Dover)
- \_\_\_\_\_ Escrow - \$100 (**Separate Check**)

Town of Dover  
126 East Duncan Hill Road  
Dover Plains, NY 12522



(845) 832-6111  
(845) 832-3188 fax

## APPEAL / VARIANCE APPLICATION

Project Name: \_\_\_\_\_

Application Number: \_\_\_\_\_  
(to be determined by ZBA Clerk)

Grid Number: \_\_\_\_\_

Type of Application: (check all that apply)  
 Area Variance  
 Use Variance  
 Review of ARB Decision

Reversal or Modification of Decision of CEO  
 Interpretation of Zoning Text or Map

Property Address: \_\_\_\_\_  
\_\_\_\_\_

Current Use(s): \_\_\_\_\_  
Proposed Use(s) and/or Structure(s): \_\_\_\_\_  
\_\_\_\_\_

Primary Contact Person: \_\_\_\_\_

Brief Description of Proposed Use/Activity  
(attach additional sheets, if necessary):  
\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Provisions(s) of the Zoning Law relating to this application, and variance(s) from zoning sought, if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Name of Applicant: (if different) \_\_\_\_\_

Is there an existing Special Permit, Variance, and/or Site Plan approval for the property?  
  
 yes, granted on \_\_\_\_\_  no

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

Relationship of Applicant to Owner  
(e.g., contract vendee, option holder, lessee):  
\_\_\_\_\_  
\_\_\_\_\_

Does the property contain a farm operation located within an agricultural district or is the property boundary within 500 feet of a farm operation located in an agricultural district?  
  
 yes  no  not applicable

### Property Information:

Land Use District: \_\_\_\_\_

Overlay Districts (if any): \_\_\_\_\_

Lot Area: \_\_\_\_\_

**REASON FOR APPEAL / VARIANCE** (Complete where applicable. Use extra sheet if necessary)

**A. INTERPRETATION** of the Zoning Law is requested because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. REVERSAL OR MODIFICATION** of a decision by the Code Enforcement Officer or ZBA  
ARB is requested because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. A USE VARIANCE** is requested for these reasons (all blanks must be filled in):

(1) The applicant cannot realize a reasonable return from the property for any use  
allowed by the Zoning Law because: \_\_\_\_\_  
\_\_\_\_\_

The property was acquired in the year \_\_\_\_\_ for \$\_\_\_\_\_. The applicant has invested  
\$\_\_\_\_\_ in the property since that time, and the largest return that can be expected from  
using the property as a \_\_\_\_\_ (most valuable use allowed by the Zoning  
Law) is \$\_\_\_\_\_ per year. The value of the property under the current Zoning Law, as  
determined by competent financial evidence submitted herewith, is \$\_\_\_\_\_. The  
expected return and/or property value from other uses allowed by the Zoning Law ranges  
from \$\_\_\_\_\_ to \$\_\_\_\_\_. (Please attach a list of all permitted and special permit uses  
and their probable return and value.)

(2) The hardship relating to this property is unique, and does not apply to a substantial  
portion of the district or neighborhood because:  
\_\_\_\_\_  
\_\_\_\_\_

(3) The variance will not alter the essential character of the neighborhood because:  
\_\_\_\_\_  
\_\_\_\_\_

(4) The hardship is not self-created because:  
\_\_\_\_\_  
\_\_\_\_\_

**D. AN AREA VARIANCE** is requested for these reasons:

(1) If the variance is granted, the applicant will have the following benefit:

---

---

---

---

(2) There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties because:

---

---

---

---

(3) The applicant cannot attain the benefit of having the variance by any other method because:

---

---

---

---

(4) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

---

---

---

---

The undersigned hereby makes an application in accordance with all applicable laws and other requirements of the Town of Dover, Dutchess County, New York.

\_\_\_\_\_  
Signature of Record Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant (*if different*)

\_\_\_\_\_  
Date

# DISCLOSURE OF INTEREST FORM

Project Name: \_\_\_\_\_

Application Number: \_\_\_\_\_ Grid Number: \_\_\_\_\_

Section 809 of the General Municipal Law provides as follows:

1. Every application, petition, or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license, or permit, pursuant to the provisions of any ordinance, local law, rule, or regulation constituting the zoning and planning regulations of a municipality shall state the name, address, and the nature and extent of the interest of any state officer and any officer or employee of such municipality or of a municipality of which such municipality is a part, in the the person, partnership, or association making such application, petition, or request (hereinafter called the applicant) to the extent known to such applicant.
  
2. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them.
  - (a) Is the applicant, or
  - (b) Is an officer, director, partner, or employee of the applicant, or
  - (c) Legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
  - (d) Is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition, or request.
  
3. Ownership of less than five percent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
  
4. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

*In connection with said application, petition or request, the undersigned hereby states, pursuant to the provision of Section 809 of the General Municipal Law, the name, residence, and the nature and extent of the interest of any state officer or employee of the Town of Dover and/or the County of Dutchess, in the person, partnership, or association making the application, petition, or request (hereinafter called the "applicant"). If none, insert the work "none" \_\_\_\_\_.*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

# AGRICULTURAL DATA STATEMENT

(for Use Variances only)

**if** the property is in an agricultural district and contains a farm operation,  
**or if** the property is within 500 feet of a farm operation in an agricultural district

**Project Name:** \_\_\_\_\_

**Application Number:** \_\_\_\_\_ **Grid Number:** \_\_\_\_\_

**Type of Application:**    Subdivision    Special Permit    Site Plan    Use Variance

Please list names and addresses of owners of land which contain farm operations and which is located within an Agricultural District and within five hundred feet of the boundary line of the property upon which the project is proposed (*use additional sheet if more space is needed*):

(1) \_\_\_\_\_ (5) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) \_\_\_\_\_ (6) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) \_\_\_\_\_ (7) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) \_\_\_\_\_ (8) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Applicant must attach a tax map or other map showing the site of the proposed project in relation to the farming operations described above.**

\_\_\_\_\_  
Signature of Applicant                      DATE

**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.			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<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:			<b>NO</b>	<b>YES</b>
			<input type="checkbox"/>	<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: _____ _____	<b>NO</b>	<b>YES</b>
	<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: _____ _____	<b>NO</b>	<b>YES</b>
	<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: _____ _____	<b>NO</b>	<b>YES</b>
	<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?”

	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
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? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<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**