



**ZONING BOARD OF APPEALS
TOWN OF HURLEY
PO BOX 569
Hurley, New York 12443
planning@townofhurley.org
(845)331-7474 Ext. 6**

FOR OFFICE USE ONLY:

Application # _____ Date Filed: _____ Fee Paid: _____ Receipt No. _____

Area: _____ Use: _____ Area and Use Variance Application ; Date of Decision: _____

**TOWN OF HURLEY ZONING BOARD OF APPEALS
ULSTER COUNTY, NEW YORK**

• Please review the information in this packet and Chapter 210 of the Town of Hurley Code thoroughly.

Forms and Submittals – Required with submission

- Code Review Form – Code Enforcement Officer/Zoning Enforcement Officer
- Application
- Fee
- SEQRA Environmental Assessment Form (Short EAF Part 1 only)
<http://www.dec.ny.gov/eafmapper/> . You MUST use this site to complete the Short EAF
- Written Narrative detailing planned uses and existing uses to be retained
- Letter Authorizing Representative Powers, if applicable
- A sketch plan drawn to scale or site plan
- Aerial Photos <https://ulstercountyny.gov/maps/parcel-viewer/>
- Deed and Easements

All Applications and supporting materials must be completed and dropped off to the Zoning Clerk 2 weeks before the meeting by 4:00PM to be placed on the following agenda. An electronic copy of the entire packet must be submitted on a USB or emailed to planning@townofhurley.org along with the hard copy and a check or money order payable to the Town of Hurley.

-If any agent is representing an applicant and/or property owners, a signed and notarized letter by the applicant(s) and/or property owner(s) listed in the deed authorizing the named individual to act as their agent must accompany the application.



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-If the applicant is not the property owner, a signed and notarized letter by property owners listed in the deed authorizing the named individual to act as their agent must accompany the application.

APPLICATION DETAILS

1. Name of Project: _____

2. All Property owners listed in the Deed: _____

Mailing Address: _____

Physical Address: _____

Primary Phone: () _____ Cell Phone: () _____

Email Address: _____

3. Applicant Name (if other than owner): _____

Mailing Address: _____

Primary Phone: () _____ Cell Phone: () _____

Email Address: _____

4. Site Location: _____

Tax Map Number: Section: ___ Block ___ Lot ___ Zoning District: ___ Total Acreage of Parcel(s): _____

5. This project is (check one): () Expansion of Use () Change of use () New Construction

6. Description of current use and facilities (buildings, use, other facilities, vacant land, etc.): _____

7. Describe current use(s) of all contiguous parcels (Include all types, Vacant Land, Residential, Commercial, Agricultural, Industrial, etc.): _____

8. Description of proposed use and facilities of parcel (If more space is needed please use a separate piece of paper): _____

9. Will this project require permits or approval from any Federal, State or County agencies?
_____ If yes, please list the names: _____



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10. Is the project contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places: _____ If yes, name:

11. Surveyor/Engineer/Attorney/Architect Name, if Applicable: _____

Mailing Address: _____

Telephone: () _____ Cell Phone: () _____

Email: _____

Applicant states that they are the owner or authorized agent of the owner for which the foregoing work is proposed to be done, and that they are duly authorized to perform such work, and that all work will be performed in accordance with all applicable State, County, and Local Ordinances.

Signature of all Owners in the Deed:

_____ ; _____

Date: _____

NOTARIZATION:

Acknowledgement Form State of _____) ss.: County of _____
On the _____ day of _____ in the year _____, before me, the undersigned notary public, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. _____

Notary Public _____ Expiration: _____

12. List all structures on the property, the use, size and their setback to the front, rear, left and right property lines (the left and right is as if you were standing on the road facing the house); also include a sketch or site plan prepared by a licensed professional depicting the existing and proposed location of each structure:

A. Structure _____ ; Use _____

Size: Length _____ ft; Width _____ ft; Height _____ ft

Front S/B _____ ft.; Rear S/B _____ ft; Left S/B _____ ft; Right _____ ft

B. Structure _____ ; Use _____

Size: Length _____ ft.; Width _____ ft.; Height _____ ft

Front S/B _____ ft.; Rear S/B _____ ft.; Left S/B _____ ft; Right S/B _____ ft.



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C. Structure _____; Use _____

Size: Length _____ ft.; Width _____ ft.; Height _____ ft.

Front S/B _____ ft.; Rear S/B _____ ft.; Left _____ ft.; Right _____ ft.

13. Answer in detail, the criteria for a variance listed in Section 210-61

210-61-Variances.

- Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Board of Appeals shall have the power, after public notice and hearing, to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
- All applications for variances shall be filed with the Clerk of the Board of Appeals in writing, shall be made in a form required by the Board of Appeals and shall be accompanied by payment of a filing fee in accord with a fee schedule, as adopted and amended from time to time by resolution of the Town Board, and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.
- Any variance which is not exercised within one year from the date of issuance is hereby declared to be revoked without further hearing by the Board of Appeals
- Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property and/or the period of time such variance shall be in effect. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.
- The Board of Appeals, in the granting of use variances, shall grant only the minimum variance that it shall deem necessary and adequate to allow an economically beneficial use of the property, and at the same time preserve and protect the essential character of the neighborhood and the health, safety and welfare of the community.

Instructions: You must answer **EACH** criteria with a narrative explaining how you believe your request will not have a negative effect on the criteria being answered. Yes or No is not an acceptable answer.



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Area Variance Criteria: 210-61

In making its determination regarding a request for an area variance, the Board 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:

Area variance. Prior to granting an area variance, as defined in this chapter, the Zoning Board of Appeals shall consider the following:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the grant of the area variance;

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;

(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;

(e) 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.



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Use Variance Criteria: 210-61

Use variance. A use variance, as defined in this chapter, may only be granted if there is a showing by the applicant that the applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district in which the property is located:

(a) The applicant cannot realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence;

(b) The alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood;

(c) The requested variance, if granted, will not alter the essential character of the neighborhood;

(d) The alleged hardship has not been self-created.
