

Town Of Wallkill  
99 Tower Drive-Building A  
Middletown, NY 10940-2026

## ZONING BOARD OF APPEALS

### DIRECTIONS ZBA APPLICATION

Application must be completed with property owner signature or signed by property owner on record, application fee and all other requirements listed below must be completed before application can be submitted or processed by the ZBA.

#### Application submitted must include:

- 1) Complete application with all necessary information required, all signatures, notarized and all fee's included
- 2) 11 Copies of the property/project involved. Must be drawn to scale
  - A) Show all building or project dimensions
  - B) All yard setbacks and dimensions of the lot
  - C) Section -Block - Lot number from latest tax map

#### ZBA Procedure:

- It is a two month procedure for a variance to be processed.
- The applicant or anyone concerning the project must attend both ZBA meetings.
- The Preliminary Review and the Public Hearing are scheduled every second Monday of the month at 7:30pm, at the Town of Wallkill 99 Tower Dr, Building A
- After preliminary review applicant must bring proof of mailing from post office of all labels mailed out to surrounding neighbors or properties.
- Final approval or denial of variance will be decided at the Public hearing by the Zoning Board members.

#### *Preliminary Review:*

- Board will review applications with applicant.
- Board will present issues, concerns, or suggestions regarding the project
- If applicant or any one concerning the project is unable to attend for any reason, the review will be held at next meeting.

#### *Public Hearing:*

- Public hearing is scheduled after applicant has attended the Preliminary review
- Applicant must mail out public notice with labels provided by the Assessors
- The public notice must be sent out 10 days prior to the public hearing date
- The labels will be provided by the Assessors Dept. a few days after the first meeting
- A fee is calculated for the labels by the Assessors Dept. based on the labels
- The assessors will contact the applicant once the labels are ready to be picked up
- Board will make final decision after hearing the public and discussing any final questions or concerns
- Variances expire after six months. Applicant must apply for a six month extension if project is unable to be completed for any reason within the six month period

If you may have any other questions or concerns you may contact the ZBA office at (845) 692-7800 ext 141, or by email at [zoningboard@townofwallkill.com](mailto:zoningboard@townofwallkill.com).

## **Zoning Board Fee Schedule**

Upon application to the Zoning department for any action or approval required in accordance with the procedure set forth by the town law, the applicant shall post with the Town of Wallkill a deposit of **\$175.00** to cover all attorney fees. Applicant must also post payment of **\$150.00** for public notices sent to the Towns Herald Record along with attorney fee and application fee. These fees along with additional application fee must be submitted by cash or separate checks with completed application to the Zoning Board clerk.

### **Application fee Schedule**

Residential (addition, accessory bldg, etc)	\$75.00
Residential (decks, shed, pools)	\$50.00
Signage	\$75.00
Interpretation	\$300.00
Commercial Properties	\$500.00
Use variance	\$500.00

### **Extension fee**

Residential	\$25.00
Commercial	\$50.00

*(Adopted by town board resolution #160 of 2012)*

## Public Notice Label Process

After the applicant has attended the preliminary review with the Zoning board, the applicant is responsible for mailing the public notice to the surrounding property owners. The Assessors Dept. will provide applicant with list of labels to be used for notification purposes.

- After preliminary review the Assessors Dept. will provide the applicant with the required Labels.
- The Assessors Dept. will contact the applicant once the labels are completed. This process may take 7-10 days. You may contact the Assessor's office to get an estimated time of completion or for any question regarding the Labels at (845)692-7810.
- Upon completion of Labels you will be notified of fee, you may pay by cash or check, which should be made out to the Town of Wallkill.

### Mailing List fee schedule

1-10 Labels	\$20.00
11-29 Labels	\$40.00
30 Labels and above	\$100.00

This is a service provided for the applicant, by the Town of Wallkill. The Assessors and Zoning Departments work in correlation to provide this information to the applicant as soon as possible. We will do our best to provide this service in a timely manner with no inconvenience to the applicant.

## Zoning Board Application

APPEAL # \_\_\_\_\_

1	Application date	
2	Applicant(s) Name	
3	Address	
4	Phone Number	
5	Property Owners Name	
6	Property Address	
7	Phone Number	
8	Date owner acquired the property	
9	Tax Map Location (Section-Block-Lot)	
10	Street Address	
11	Zoning District (circle one)	RA / RA-1/ R1/ R2/ R-AH/ RM-B/ NC/ TC/ OR/ HC/ ENT-L/ ENT
12	Lot Size and Acreage	
13	Soil Type described in Town Code	
14	Application fee	(Check or Cash) Amount-\$ _____

**Appeal Request:**

Any Appeal is made or requested by the applicant for the following:

- Interpretation of the Zoning Law
- Interpretation of the Zoning Map
- Use Variance
- Accessory building larger than 28ft x 28ft
- Area Variance

Front / Side / Rear / Yard setback from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Front / Side / Rear / Yard setback from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Front / Side / Rear / Yard setback from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Front / Side / Rear / Yard setback from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Lot area from \_\_\_\_\_ to \_\_\_\_\_ Section \_\_\_\_\_

Other:

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State reason and purpose for Request:

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Has this proposal appeared before the Planning Board?  YES  NO

Property owner must have their signature notarized on this application:

Owners Signature: \_\_\_\_\_ Notary Public: \_\_\_\_\_

Sworn to before me this date: \_\_\_\_\_

Applicant same as owner

State of New York  
County of Orange

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Building Inspector signature: \_\_\_\_\_ Date: \_\_\_\_\_

**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.

<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				

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

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"/>
<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?"

	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:	<input type="checkbox"/>	<input type="checkbox"/>
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**

**RESET**