



# Village of Sleepy Hollow

Department of Architecture, Land Use Development,  
Buildings & Building Compliance

28 Beekman Avenue

Sleepy Hollow, NY 10591

Telephone (914) 366-5101 • Fax (914) 631-0607 • [www.sleepyhollowny.org](http://www.sleepyhollowny.org)

*More than a Legend*

## REQUIREMENTS FOR APPLICATION TO THE ZONING BOARD OF APPEALS

Attached please find an application for the Zoning Board of Appeals.

Please complete this application and return twelve (12) copies, twelve (12) copies of the plans, twelve (12) copies of a current survey, and twelve (12) copies of the property's deed (folded and ready for mailing).

Complete applications must be submitted by the 15<sup>th</sup> of the month prior to the scheduled Zoning Board meeting for which you are requesting placement on the agenda. Please deliver the applications to the Building Department before 12 o'clock noon.

The Village of Sleepy Hollow code requires that notice be sent to all property owners within a 200 foot radius of the affected property. The notice is to be sent by certified, return receipt mail at least twenty (20) days before the meeting.

The return receipts are to be returned to the Building Department no later than 12 o'clock noon of the Friday before the meeting.

THE BUILDING DEPARTMENT IS TO MAIL ALL CORRESPONDENCE TO:

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

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

\_\_\_\_\_

Telephone No.: \_\_\_\_\_



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**APPEAL AND PETITION FOR VARIANCE UNDER ZONING ORDINANCE**

Date: \_\_\_\_\_

1. The undersigned, property owner or agent for property owner, of the property known as \_\_\_\_\_, section \_\_\_\_\_, block \_\_\_\_\_ lot \_\_\_\_\_ in the \_\_\_\_\_ zoning district, hereby gives notice of appeal from the decision of the Building Inspector made on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, in refusing to issue a \_\_\_\_\_ for \_\_\_\_\_

\_\_\_\_\_ on the ground that the same would be in violation of the provisions of Section \_\_\_\_\_, subsection \_\_\_\_\_, paragraph \_\_\_\_\_ of the Zoning Ordinance of the Village of Sleepy Hollow, for the following stated reason(s):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Appellant alleges:

2. (a) That there are special and unusual circumstances and conditions affecting said property that are unique and peculiar to said property and do not apply generally to other property in the vicinity, and have not resulted from any act of the applicant, which circumstances and conditions are as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(b) That by reason of the aforesaid unusual and peculiar circumstance(s) and condition(s), (there are practical difficulties in the way of carrying out the strict letter of the provisions of Section \_\_\_\_\_, subsection \_\_\_\_\_, paragraph \_\_\_\_\_ of the Zoning Ordinance of the Village of Sleepy Hollow would result in unnecessary hardship), to the extent that strict application of said provisions would deprive appellant of the reasonable use of said property, which (practical difficulties are) (unnecessary hardship would be) as follows:

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3. Because of the aforesaid alleged facts, appearance before the Zoning Board of Appeals, in acting on this appeal, to vary the strict application of the aforesaid provisions of the Zoning Ordinance of the Village of Sleepy Hollow to said property, to the following specific extent:

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Attached hereto are:

A. Application to the Building Inspector for Building Permit (Certificate of Occupancy).

B. Preliminary plans and lot layout

C. \_\_\_\_\_  
\_\_\_\_\_

4. Appellant further alleges that such variance would be in harmony with general intent and purpose of the Zoning Ordinance of the Village of Sleepy Hollow and would not be injurious and detrimental to property or persons in the neighborhood for the following reason:

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**NOTE:** Twelve (12) copies of all material must be submitted with this application.

- 1. Application Fee: \$350.00
- 2. Escrow Account Fee: \$500.00
- 3. Minutes Fee: \$100 ***PER MEETING***

Signed:

\_\_\_\_\_  
(Owner) or (Lessee)

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

Telephone Number: \_\_\_\_\_

**OFFICE USE:**

I hereby certify that this Notice of Appeal was received by me (by mail or by personal delivery) on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Signed: \_\_\_\_\_



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## ZONING COMPLIANCE FORM

|                  |        |      |                    |
|------------------|--------|------|--------------------|
| APPLICANT NAME : |        |      | PROPERTY LOCATION: |
| SECTION:         | BLOCK: | LOT: | ZONING DISTRICT:   |

|                       | REQUIRED | EXISTING | PROPOSED | VARIANCE |
|-----------------------|----------|----------|----------|----------|
| AREA OF LOT (SF)      | MIN.     |          |          |          |
| WIDTH OF LOT (FT)     | MIN.     |          |          |          |
| FLOOR AREA RATIO (SF) | MAX.     |          |          |          |

| PRINCIPAL BUILDING | FRONT YARD (FT)          | MIN. |  |  |  |
|--------------------|--------------------------|------|--|--|--|
|                    | FRONT YARD - CORNER (FT) | MIN. |  |  |  |
|                    | REAR YARD (FT)           | MIN. |  |  |  |
|                    | ONE SIDE YARD (FT)       | MIN. |  |  |  |
|                    | COMBINED SIDE YARDS (FT) | MIN. |  |  |  |
|                    | BUILDING COVERAGE (%)    | MAX. |  |  |  |
|                    | BUILDING HEIGHT (FT/STY) | MAX. |  |  |  |

| ACCESSORY | SIDE YARD (FT)              | MIN. |  |  |  |
|-----------|-----------------------------|------|--|--|--|
|           | REAR YARD (FT)              | MIN. |  |  |  |
|           | BUILDING COVERAGE (%)       | MAX. |  |  |  |
|           | BUILDING HEIGHT (FT)        | MAX. |  |  |  |
|           | DISTANCE TO PRINCIPAL BLDG. | MIN. |  |  |  |

| PARKING | PARKING (CARS) | MIN. |  |  |  |
|---------|----------------|------|--|--|--|
|         | LOADING ZONE   | MAX. |  |  |  |

\_\_\_\_\_  
NYS ARCHITECT/ENGINEER

\_\_\_\_\_  
DATE



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## MAXIMUM FLOOR AREA RATIO

| FLOOR AREA RATIO | LOT SIZE | MAXIMUM BUILDING SIZE<br>(SF.) |
|------------------|----------|--------------------------------|
| 0.125            | >80,000  | 10,000                         |
| 0.13             | 70,000   | 9,100                          |
| 0.135            | 60,000   | 8,100                          |
| 0.14             | 50,000   | 7,000                          |
| 0.15             | 43,560   | 6,534                          |
| 0.19             | 30,000   | 5,700                          |
| 0.25             | 20,000   | 5,000                          |
| 0.27             | 15,000   | 4,050                          |
| 0.38             | 10,000   | 3,800                          |
| 0.46             | 5,000    | 2,300                          |
| 0.48             | 4,000    | 1,920                          |
| 0.50             | 3,000    | 1,500                          |

# Short Environmental Assessment Form

## Part 1 - Project Information

### 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?<br>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<br><input type="checkbox"/>  |
|  |  |             | YES<br><input type="checkbox"/> |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |  |             | NO<br><input type="checkbox"/>  |
|  |  |             | YES<br><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  |  |             |                                 |



|  |  |   |
|--|--|---|
| <p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p> | <p><b>NO</b></p> <p><input type="checkbox"/></p> | <p><b>YES</b></p> <p><input type="checkbox"/></p> |
| <p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>   | <p><b>NO</b></p> <p><input type="checkbox"/></p> | <p><b>YES</b></p> <p><input type="checkbox"/></p> |
| <p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>   | <p><b>NO</b></p> <p><input type="checkbox"/></p> | <p><b>YES</b></p> <p><input type="checkbox"/></p> |
| <p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>   |  |   |

Project:

Date:

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

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"/>           |
| 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"/>           |

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

Date: \_\_\_\_\_

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

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.

- 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.
- 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.

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 Name of Lead Agency

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 Date

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 Print or Type Name of Responsible Officer in Lead Agency

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 Title of Responsible Officer

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 Signature of Responsible Officer in Lead Agency

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 Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

In the Matter  
(your project)

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK )

) SS:

COUNTY OF WESTCHESTER )

I, (your name) being duly sworn, deposes and says:

I am over 18 years of age and on (date mailed) I mailed via certified mail, return receipt requested, to the following property owners, a copy of the Village of Sleepy Hollow Notice of Public Hearing for Thursday, (date of the public hearing).

(Your signature)  
(Print your name)

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Notary Public

## Use Variance Standards

The state statutes provide the Zoning Board of Appeals with the standards for granting the use variance. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that 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 where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. That the alleged hardship relating to the property in question is unique, and does not apply to 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.

*Village Law, Section 7-712-b (2)*

## Area Variance Standards

The state statutes provide the Zoning Board of Appeals with the standards for granting the area variance. 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 Zoning Board of Appeals 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 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 condition in the neighborhood or district; and
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

*Village Law, Section 7-712-b (3)*

The Zoning Board of Appeals, in the granting of use and area variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved 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.