



# Town of Poughkeepsie

## Planning & Zoning

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Poughkeepsie, NY 12603

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### Town of Poughkeepsie Zoning Board of Appeals Application Instructions and Description of Procedures

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#### 1) Meetings:

- a) The Town of Poughkeepsie Zoning Board of Appeals meets in regular session on the second Monday of each month starting at 7:00 PM.
- b) Special meetings may be called by the Chairman and shall be noticed pursuant to the Open Meetings Law.
- c) If the date of any meeting is cancelled due to inclement weather, lack of quorum, or other conflict, the meeting will be scheduled for another night and the new meeting day and time will be posted and made public pursuant to the Open Meetings Law.

#### 2) Deadlines:

- a) All submittals are due no later than 12:00 PM (noon) eighteen (18) days prior to the date of the regular Zoning Board meeting. There shall be no exceptions.

#### 3) Application Submittals:

- a) All applications shall include the following:
  - i) Number of maps and plans:
    - (1) Original and thirteen (13) copies of the completed application forms and affidavits, and any supplemental reports.
    - (2) Eleven (11) copies of a map depicting the proposed development plan. **All maps shall be folded. Maps that are not folded will not be accepted.**
  - ii) Short Form Environmental Assessment Form. The Zoning Board of Appeals reserves the right to require the applicant to provide a Long Form EAF. All Type I Actions shall require a Long Form EAF. Forms are available online at <http://www.dec.ny.gov/permits/6191.html>.
  - iii) Agricultural date statement, if applicable.
- b) The Town Code is available for inspection at the Office of the Town Clerk and is available on-line at [www.generalcode.com](http://www.generalcode.com).
- c) **NOTE: Commencing January 1, 2010 all applications and re-submissions shall include a digital copy of all applications, forms, documents, and maps. Electronic files may be submitted on a CD, flash drive, or via email. The digital copy shall be in a pdf, jpg, tiff, or other suitable write-protected image format capable of being opened and viewed using any standard Windows based software.**

#### 4) Application Procedures:

- a) All applications and submittals are formally received as of the date of the next regular meeting of the Zoning Board.

- b) Upon receipt of an application, including all application, review fees, and inspection fees, the matter will be scheduled for a public hearing.
- c) All submissions must contain enough data to enable a proper review of the application by the Zoning Department. If the information provided is incorrect or insufficient to support a proper review, the result may be the removal of the application from the ZBA agenda, or the denial of approval. The adequacy of all submissions will be determined by the Zoning Department.
- d) The publication of the legal notice of the public hearing in the designated newspaper and the mailing of the public hearing notice to surrounding landowners is the responsibility of the Zoning Department. Such notices shall be published and mailed no later than ten (10) days prior to the date of the public hearing.

**5) Actions of the Zoning Board:**

- a) Prior to making a decision on the application, the ZBA shall, where required, make a determination of significance under the State Environmental Quality Review Act. The ZBA may open the public hearing prior to the determination of significance in order to obtain public comment on the issues of environmental concern. An application is not considered complete until a SEQRA determination has been made.
- b) Decisions of approval or disapproval will be made no more than sixty two (62) days after the close of a public hearing on a complete application unless extended by agreement of the ZBA and the applicant. The decision of the ZBA will be filed with the Town Clerk within five (5) business days of the date of the decision.
- c) An application for a variance that has been denied by the ZBA may not be re-submitted for approval within eighteen (18) months of the date of denial or dismissal of an appeal for the same or similar relief respecting the same property unless there appears on the face of the renewal application evidence of new or changed circumstances regarding the property and indicating that a rehearing of the matter is warranted.

**6) Fees:**

Pursuant to Chapter 105 of the Town Code an applicant shall pay a application fees at the time an application is submitted. Application fees are not refundable. At the time an application is submitted the application fee shall be paid with separate check made payable to the "Town of Poughkeepsie".

Pursuant to Chapter 106 of the Town Code an applicant is responsible to pay the cost of reviewing an application by Town Staff and for the cost of services of consulting attorneys, engineers, planners, architects, and other professionals retained to review an application. Unless waived or modified by the Director of Municipal Development, at the time an application is submitted the applicant shall deposit with the Town such sum as set forth in Chapter 106 to pay the cost of review of the application. The amount of the review fee may be adjusted up or down by the Director of Municipal Development based upon the type, size and complexity of the application. The applicant may be periodically advised as to the need to replenish the review fee fund, and the ZBA may cease its review of an application pending such replenishment. Unexpended review fees are returnable upon completion of the ZBA's review of the application and the receipt of final invoice(s) from any consulting professionals retained to review the application. At the time an application is submitted review fees shall be paid with separate check made payable to the "Town of Poughkeepsie".

**Applicants are advised to contact the Zoning Board Clerk to determine the amount of the application fee and the amount of the initial deposit for the review fee that must submitted with the application.**