



## TOWN OF CHESTER ZONING BOARD OF APPEALS

### APPEAL APPLICATION AND INSTRUCTIONS (PLEASE READ CAREFULLY)

1. Applications must be received **at least twenty (20) days** prior to a regularly scheduled meeting. Meetings are held on the 4<sup>th</sup> Tuesday of the month at 7:00 p.m. (Subject to change without notice).
2. Please provide **9 Copies** of Application, including other required/additional documents you wish to present with application.
3. An application being represented by someone other than the owner of record must include the completed, notarized **AUTHORITY TO ACT AS AGENT FOR PROPERTY OWNER**, attached to this application.
4. Enclose a check for the appropriate fee made payable to: **TOWN OF CHESTER**.

#### **CHECK LIST:**

- ✓ Application \_\_\_\_\_ Additional Documentation \_\_\_\_\_
- ✓ Authorization Form (If Applicable) \_\_\_\_\_ Appropriate Payment \_\_\_\_\_

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#### ***Section 10.05 Appeals.***

A. Appeals shall be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of this Local Law by filing with such administrative official, and with the Board of Appeals a notice of appeal specifying the grounds thereof and the relief sought. The administrative official from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.

B. A processing and advertising fee in cash or check payable to the Town of Chester in an amount established by the Town Board shall accompany such application for appeal.

C. In accordance with General Municipal Law §239-m, the Board of Appeals shall furnish the Warren County Planning Board with a full statement of the following proposed actions for its review and recommendation. This requirement shall apply to applications within five hundred feet (500') of (i) the boundary of any City, Village or Town; (ii) the boundary of any existing or proposed County or State park or any other recreation area; (iii) the right-of-way of any existing or proposed County or State parkway, thruway, expressway, road or highway; (iv) the existing or proposed right-of-way of any stream or drainage channel owned by the County or for which

the County has established channel lines; (v) the existing or proposed boundary of any County or State owned land on which a public building or institution is situated; or (vi) the boundary of a farm operation located in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law (except for the granting of area variances). Within thirty (30) days after receipt of a full statement of the referred matter, the Warren County Planning Board shall report its recommendations to the Board of Appeals. If the County fails to report within thirty (30) days, the Board of Appeals may act without such report unless it is received at least two (2) days prior to final action by the Board of Appeals. If the County recommends modification or disapproval of a proposed action, the Board of Appeals shall not act contrary to such recommendation except by a vote of a majority plus one of all members and after the adoption of a Resolution fully setting forth the reasons of such contrary action. Within thirty (30) days after final action by the Board of Appeals, a report of its final action shall be filed with the Warren County Planning Board. The referral of projects under this section may be subject to modification as may be mutually agreed upon by the Town Board and the Warren County Board of Supervisors.

***Section 10.06 Appeals: Hearing and Decision.***

A. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the Town and posted at the Town Hall at least five (5) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board of Appeals prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

B. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the conduct of the hearing, which time period may be extended by mutual consent of the applicant and the Board.

C. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.

D. At least five (5) days before such hearing, the Board of Appeals shall mail notices to the parties; to the Regional State Park Commission having jurisdiction over any State Park or Parkway within five hundred (500) feet of the property affected by such appeal; and to the county, metropolitan or regional planning agency, as required by Section 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration under consideration, as defined in subdivision one of Section 239-m of the General Municipal Law.

E. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act, under Article 8 of the Environmental Conservation Law and its implementing regulations.



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2. Describe the alleged error or erroneous interpretation which constitutes the grounds for your Appeal and the relief sought:

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3. Any additional comments concerning this request:

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Applicant's Signature

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Date

**Authority to Act as Agent for Property Owner**

I, \_\_\_\_\_, the owner of record of the property described in this application, hereby empower \_\_\_\_\_ to act as my agent and representative in conducting presentations to the necessary board(s) and in deliberations with the board(s) pertaining to my application. As my agent, He/She is empowered to act on my behalf in full. In so doing, I, the owner/applicant, understand that I am bound by any conditions imposed on my project and agreed to by my agent or by any conditions or restrictions imposed by my agent as part of the presentation.

_____ Signature of Agent/Representative	_____ Signature of Owner/Applicant
Date: _____	Date: _____
Notary: _____	Notary: _____