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**Jeremy L. Havens, Esq.\***  
**Attorney & Counselor at Law**

\*Admitted to Practice in NY & NJ

January 29, 2020

Consolidated ZBA  
254 Main Street  
Highland Falls, NY 10928

Re: Neighbors Landscaping Inc.  
Area Variance  
Property: 26 Mine Dock Road, Highlands, NY  
S/B/L: 16-4-2

**RECEIVED**

JAN 29 2020

**Building Department**

Dear Mr. Jannarone:

I have been retained by Neighbors Landscaping Inc. to represent them with respect to the above referenced application for an Area Variance. The above referenced applicant has previously submitted an application for an Area Variance of Town of Highlands Code § 210-4(C)(1). This letter is submitted in support of the application as provided in Town Law § 267-b(3)(b) and the applicant respectfully requests that this letter be deemed an amendment or supplement to the original application.

The subject parcel is currently in a R-1-R residential zoning district in which 1 & 2-family residences are the only primary uses specifically permitted "as a matter of right" to a private property owner pursuant to Town of Highlands Code § 210-3(B) and the Table of Use Regulations. Such use is subject only to the limitations imposed by the Table of Dimensional Regulations, site plan approval pursuant to Code § 210-21, and applicable parking regulations.

Town Law § 267-b(3)(b) states that "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 board 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 conditions in the neighborhood or district; and (5) 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."

As will be explained in detail below, the benefit to the applicant significantly outweighs any potential detriment to the health, safety and welfare of the neighborhood. In fact, the granting of the requested variance will result in a substantial improvement to the neighborhood. The Property as purchased by the applicant was a vacant and neglected lot, much like some of the other lots along the same side of Mine Dock Road. This lot used to be the site of a private residence, but that building had been torn down because it was a safety hazard. The applicant wishes to convert this abandoned vacant lot into a well-maintained single-family rental residence, just as it once was.

The existing Property is admittedly undersized for the applicable zoning. However, 1 & 2-family residences are the only primary uses specifically permitted “as a matter of right” for a private property owner in the R-1-R zoning district. Additionally, all of the other uses that may be permissible through an application for a Special Exception permit are impractical (or would require equivalent or greater variances) given the size and location of the subject Property. Therefore, the applicant cannot use the subject Property for virtually any purpose whatsoever, much less realize a reasonable return on its investment, unless the requested Area Variance is granted.

This practical difficulty is applicable to only a very small number of similarly situated lots along this particular section of Mine Dock Road. The R-1-R zoning district is described as covering property which is adjacent to the Hudson River. However, the subject Property is not adjacent to the Hudson River. The subject Property is located in a very narrow band of area that stretches out from the larger general area covered by the R-1-R zoning district. This narrow band only covers a few parcels along the South-West side of Mine Dock Road. The larger/main portion of the zoning district has substantially larger lots that do not have the same unique limitations as the subject Property.

If the requested variance is granted, the applicant can not only put the property to use but could build a brand new single-family residence on the subject Property and rent such property for a profit, even at a rate that is fair and affordable to local residents. The applicant considers beautifying and improving the neighborhood as part of its mission as evidenced by other projects around the community. Restoring this Property to a well-maintained and useful parcel which helps to beautify and rebuild the community will further that objective.

The following arguments are presented to address each additional point to be considered by the Zoning Board in making its determination:

**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:**

The applicant’s answer of “No” is hereby supplemented with the following explanation:

The applicant intends to substantially improve what was an eye sore in the community along the South-West side of Mine Dock Road within the R-1-R zoning district which has several blighted properties. More specifically, along this side of Mine Dock Road, there are currently 5 tax parcels with lot sizes that are substantially smaller than the minimum permissible size pursuant to the zoning regulations. Two adjacent parcels contain two-family homes with comparably undersized lot sizes. Residential structures constitute the only significant use within this immediate area. See

attached snapshot of the applicable Tax Map with the subject Property and adjacent two-family homes highlighted, annexed here as "Exhibit A".

As noted in the annexed Exhibit A, the two parcels directly across Mine Dock Road from the subject Property are substantial Multi-family Residential dwelling developments with 25-unit and 6-unit developments respectively.

The Town of Highlands Comprehensive Plan, adopted November 2007 ("Comp Plan") identifies then current circumstances, and future goals and objectives that are deemed desirable to the community. In describing the character and elements of various areas within the Town, the Comprehensive Plan states, "The Multi-family Residential category is located in only a few locations, and ... the two newest developments are located at the corner of Firefighters Memorial Drive and Mine Dock Road." (Comp Plan P.8)

*"Additional areas for potential multi-family development are adjacent to the Hamlet Center. Given the concept of providing a walkable center in this location, townhomes or multifamily housing, perhaps for seniors, would be desirable." (Comp Plan P.33) "The Multi-Family Residential use is located in close proximity to the Hamlet Center south of Garrison Pond and north of Mine Dock Road." (Comp Plan P.27, emphasis added)*

The subject Property is literally surrounded by residential property and directly across the street from the southern boundaries of the Fort Montgomery Hamlet Center, which is an area where residential development was to be encouraged. Therefore, it cannot be argued that converting this dilapidated vacant lot to a well-maintained brand new one-family home where a residential home previously stood could be viewed as "producing an undesirable change in the character of the neighborhood or a detriment to nearby properties."

**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**

The applicant's answer of "No" is hereby supplemented with the following explanation:

The buildable area of the subject Property and adjacent properties are very small. The subject Property is less than 45' deep. The topography of the subject and adjacent properties along the South/West side of Mine Dock Road includes a steeply sloped hill at the rear/West side of such properties. The surrounding parcels are also limited in both size and buildable depth as a result of this topography. Therefore, even if the applicant could acquire additional adjacent parcels, given the steep topography and the limited space between the hill and the edge of the roadway, a residential structure could not be built along this side of the road without an area variance because the applicable 45' front and 45' back yard setbacks cannot be met. The usefulness, marketability, and sustainability that the applicant seeks by improving the subject property with a one-family rental residence cannot be obtained if an area variance is denied.

**3) Whether the requested area variance is substantial**

The applicant's answer of "No" is hereby supplemented with the following explanation:

In Town Code § 114-4, the term “Variance” is defined as “A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.” In Town Code § 210-3, the term “Variance” is defined as “A modification of the regulations of this chapter, granted on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of Article VII.” The substantiality of a variance is not a defined term in the Town Code, nor are there specified percentages provided. Therefore, the substantiality of the variance should be weighed relative to the relief being requested given all the relevant facts and circumstances. Every parcel along the South-West side of Mine Dock Road within the R-1-R zoning district contains nonconforming lots as to lot area, set-backs and/or side yards. The two immediately adjacent parcels are nonconforming 2-family residences (30 & 32 Mine Dock Rd, S/B/L 16-4-4; 16-4-6). And the subject Property exceeds the square footage and side yard setbacks of one of those 2-family residences (32 Mine Dock Rd, S/B/L 16-4-4). Given that the subject parcel is immediately adjacent to other similarly nonconforming residences in the immediate area, it is certainly consistent with the neighborhood, and therefore, the requested variance is not substantial in relation to other similar properties in the immediate proximity of the subject Property.

**4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district**

The applicant’s answer of “No” is hereby supplemented with the following explanation:

The proposed residence structure will be placed on substantially the same or similar footprint to where a prior residence already previously stood. The replacement of a 1-family home will not result in any significant increase in traffic nor tax the capacity of the existing sewer system, so there is no need to physically alter or modify existing infrastructure.

The subject Property is already comparatively flat, especially for the neighborhood, and so only minimal excavation, soil disturbance and erosion control measures are required. No substantial trees or other vegetation need to be removed, nor do any natural water bodies need to be modified or adjusted in any manner.

Therefore, there will not be any adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

**5) Whether the alleged difficulty was self-created**

The applicant’s answer of “No” is hereby supplemented with the following explanation:

The applicant’s alleged practical difficulty or unnecessary hardship is not self-created. The subject Property had previously been used as a residence long before the applicable zoning laws were passed. The applicant purchased the non-conforming subject parcel as is at a foreclosure auction with the (admittedly erroneous, but reasonable) misunderstanding that such Property was zoned R-5 pursuant to “The Official Zoning Map” provided on the Orange County website as noted by Garling Associates in the Project Analysis of the original site plan submitted for Planning Board review (See Exhibit B annexed hereto). The substantiality of the requested variance would be significantly less if the subject Property had in fact been within the R-5 zoning district as believed.

The applicant has not made any changes to the property that have created a need for an area variance.

Due strictly to the applicable zoning, the subject Property cannot be used for any purpose whatsoever without an area variance. Without the granting of an area variance, the Property is not marketable at any value because it will simply cost the owner money each year for taxes on property that cannot be used. The applicant's 2019 combined property tax bill for the subject Property is \$1,670.37. Therefore, the value of the Property without an area variance is negative \$1,670.37, plus the cost of periodic cleanup and maintenance, annually.

However, if the area variance is granted, the applicant will be permitted to construct a single family home on the subject Property, which can be rented. The median rent in the Town of Highlands is \$1,716 per month.(\$20,592/year) and the median home value is \$281,695 (Citi-data.com; Zip Code 10922). Therefore, the difference in value to the applicant if an area variance is granted vs denied is approximately \$281,695, plus the net value of rental income, annually.

The applicant therefore respectfully requests an area variance to use such Property for the only use that would be permitted as of right if not for the limitations imposed by the Table of Dimensional Regulations, and the only practical use permissible given its location.

Respectfully Submitted,

*Jeremy L. Havens, Esq.*

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**Jeremy L. Havens, Esq.\***  
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January 29, 2020

Consolidated ZBA  
254 Main Street  
Highland Falls, NY 10928

Re: Neighbors Landscaping & Design Inc.  
Area Variance  
Property: 26 Mine Dock Road, Highlands, NY  
S/B/L: 16-4-2

Dear Mr. Jannarone:

As you are aware, I have been retained by Neighbors Landscaping & Design Inc. to represent them with respect to the above referenced application for an Area Variance. The above referenced applicant previously submitted an application for an Area Variance dated October 29, 2019 for construction of a 2-family residence. This letter shall constitute a formal withdrawal of such application and notice that such applicant intends to submit a different application for construction of a 1-family residence.

If you have any questions, please let me know.

Respectfully Submitted,  
*Jeremy L. Havens, Esq*

CC: Alyse Terhune, Esq.  
Engineering & Surveying Properties, PC

**TOWN OF HIGHLANDS CONSOLIDATED  
ZONING BOARD OF APPEALS**



**APPLICATION PACKET**

**APPLICATION MUST BE TURNED IN AT  
LEAST 10 DAYS PRIOR TO MEETING DATE  
IN ORDER TO BE ADDED TO MEETING  
AGENDA**

(MEETINGS ARE GENERALLY HELD THE THIRD WEDNESDAY  
OF EACH MONTH AT 7:00 PM)

**Town of Highlands Consolidated Zoning Board of Appeals**  
Applicant's Guide to the Appeals Process

Introduction

Any person aggrieved by a decision of the Building Inspector or Code Enforcement Officer may take an appeal to the Consolidated Zoning Board of Appeals. The matter appealed from is most commonly a notice of denial or refusal with respect to a building permit application. There are two (2) basic types of appeals to the board: 1. an appeal for the interpretation of the Zoning Code, and 2. an appeal for a variance. In making an appeal the burden of proof lies with the applicant and if the applicant does not prove his case the appeal will be denied. You may be represented by an attorney on the appeal to the board if you so desire.

Interpretations

An interpretation is a request to have the zoning board makes a determination as to the meaning of a particular provision of the zoning code with respect to a particular set of facts and circumstances. If you are aggrieved because you believe the building inspector has misinterpreted the zoning code you may make an appeal. You must clearly identify the code provision upon which you wish to have an interpretation and must completely, clearly and accurately set forth the facts and circumstances to which the code provision applies. The zoning board cannot make an interpretation in a vacuum and if you fail to properly state the matter and completely set forth the facts it is unlikely that you will obtain the interpretation that you desire.

Variances

Variances are a form of extraordinary relief which allow a person to do something which is not ordinarily or normally allowed by the zoning code. A variance will not be granted unless you prove all the elements necessary to entitle you to a variance. The two basic types of variances are use and area variances. A use variance would allow you to conduct a particular type of activity in a zone where that activity is not normally permitted. An area variance will afford relief from the three (3) dimensional or "bulk" requirements such as lot sizes, set back, etc. The basic elements which must be proved are set forth below:

1. Unnecessary Hardship or Practical Difficulties

Unless the strict application of the zoning code will cause unnecessary hardship or practical difficulties regarding the utilization of the property you are not entitled to a variance and a variance will not be granted. The unnecessary hardship or practical difficulties must concern the use of the property and does not relate to

the personal circumstances of the property owner. Illness or lack of financial resources is not the kind of hardship or practical difficulty referred to.

#### A. Unnecessary Hardship

This is the standard for granting of a use variance. An unnecessary hardship must be proved by showing that the land *cannot* yield a reasonable return if used for any of the purposes allowed in the zone. The proof submitted must be actual “dollars and cents” proof. The fact that the owner may obtain a better price or higher profit by the use being requested is irrelevant to proof of this element. A use variance will be denied if the hardship is self-created.

#### B. Practical Difficulties

This is the standard for the granting of an area variance. The practical difficulties relate to the physical features of the lot which inhibit the use of the lot within the dimensional standards of the zoning code. The applicant must show significant economic injury to prove practical difficulties. The relevant test is the difference in value of the parcel with and without the variance.

### 2. Uniqueness

No variance will be granted unless the hardship or practical difficulty is particular to the specific parcel and is not common to all properties within the zoning district. You must show how your property is different from others in the district in relation to the hardship or practical difficulty.

### 3. Spirit of the Zoning Law

The applicant must show that the granting of the variance will be within the general spirit of the zoning law. The variance requested must be the minimum necessary to grant the relief while conserving the essential character of the neighborhood and protecting the value of other properties in the zone. No variance will be granted where to do so will make a significant impact on the public health, safety, and welfare purposes for which the zoning code was implemented.

### Conclusion

The above is intended to be a general outline concerning appeals to the zoning board. It is only a rough outline. The applicant must take responsibility for familiarization with both local and state code requirements.

Remember, the applicant must prove his/her case or the appeal will be denied. No hearings will be scheduled on incomplete applications.

**APPLICATION FORM FOR ZONING VARIANCE / INTERPRETATION**

APPLICANT'S NAME: Neighbors Landscape & Design Phone # \_\_\_\_\_

ADDRESS: P.O. Box 4, Fort Montgomery, NY, 10922

OWNER OF PROPERTY: same as applicant

ADDRESS: \_\_\_\_\_

TAX LOT NUMBER: Section 16 Block 4 Lot 2

**TO THE TOWN OF HIGHLANDS CONSOLIDATED ZONING BOARD OF APPEALS:**

Appeal is hereby taken and application made for:

1. Variance from (or Interpretation of) Section 210 of the Village/Town Zoning Ordinance.
2. To permit construction or use of premises for the following:  
1-family dwelling
3. The property is in a R-1-R Zone under the Zoning Ordinance.
4. The property is situated on the West side of Mine Dock Road street and is 200 feet from the intersection of Helens Way street.
5. Has this property been before the Zoning Board of Appeals before? No If so, give details \_\_\_\_\_
6. Is this property within 500 feet of any other municipality, State or County Park, State or County Road or Stream or County owned land? Yes If so, give details The property is within 500 feet of R-1-R Zoning Boundary and Palisades Interstate Parkway.
6. Any comments you wish to add in support of this application (attach additional sheet if necessary)? \_\_\_\_\_
8. If applicant is not the owner of the property, has the owner consented to this application?  
Yes \_\_\_\_\_ No \_\_\_\_\_

STATE OF NEW YORK)  
COUNTY OF ORANGE) ss:

I hereby depose and say that all of the above statements and statements made in support of this application annexed hereto are true.

Signature: \_\_\_\_\_  
Applicant

Sworn to before me this 26 day of August, 2019

Vanessa Escala  
Notary Public

VANESSA ESCALA  
Notary Public, State of New York  
No. 01ES6316486  
Qualified in Queens County  
My Commission Expires Dec. 15, 2022



RECEIVED

JAN 29 2020

Building Department

Town of Highlands Consolidated Zoning Board of Appeals  
Variance Application Instructions

Submit eight (8) fully completed copy of this application to the Town of Highlands Building Department with the following:

1. Completed Environmental Assessment Form (EAF).
2. **Filing fee of \$250.00** payable to the Town of Highlands. This includes the cost of advertising the Notice of Public Hearing. (Note: Interpretation fee =\$75.00).
3. **Escrow deposit of \$1200.00** payable to the Town of Highlands. This deposit is required to cover consultant costs incurred by the Town related to the application. Any funds not expended shall be reimbursed to the applicant at the conclusion of the project. In the event that costs exceed the deposit amount, the applicant will be notified to deposit additional funds into escrow. The escrow balance must be adequately maintained during the Zoning review process.
3. Eight (8) copies of the map, drawn to scale, showing the following:
  - A. The property to be affected by the application.
  - B. Existing structures, if any, on the property.
  - C. Existing side, front and rear yard setbacks.
  - D. Location of new structure with new side, front and rear yard setbacks.
  - E. A copy of either the Notice of Denial of Building Permit from the Building Inspector on which this application is based, or a copy of the Inspector's notice referring the applicant to the Consolidated Zoning Board of Appeals for any reason.
  - F. This drawing must bear the official seal of a registered engineer, architect or surveyor licensed by the New York State Board of Education.
4. Completed Owner's Endorsement affidavit (where applicant is not owner of record)

After receipt of this application, the ZBA will place the matter on their next available agenda. Please be present and on time the meeting in person or by representative. At that time you may present whatever evidence, witnesses or other details you may have in support of your application.

**ORDER OF BUSINESS RELATED TO FILING APPLICATION**

1<sup>st</sup> meeting with board is to present your application and present evidence. After your first meeting you will be told by either the board or the Building Inspector the steps you must take in doing the mailing and postings for the Notice of Public Hearing. You must pickup from the Building Department a sign(s) to be placed on the affected property at least ten (10) days prior to the date of your public hearing. Instructions as to the placement of these signs will be given by the Building Department.

At your 2<sup>nd</sup> meeting the Public Hearing will be conducted; after the hearing is closed the ZBA may make a decision on your application that evening or within the time constraints set by New York State, usually sixty (60) days. This means that the board has 60 days to render a decision based upon your application.

dimensions and the variance required in feet (except %, parking or use) in applicable categories. For use variances, list existing use and proposed use.

**OWNER'S ENDORSEMENT**

(complete and attach only to applications submitted by tenants, contractors, potential buyers or owner's representatives)

COUNTY OF ORANGE

SS:

STATE OF NEW YORK

Bryan Suchanyc being duly sworn, deposes and says

that he/she resides at 4 Eagle Crest, Fort Montgomery  
(Owner's Address)

in the County of Orange and State of New York

and that he/she is (the owner in fee) or ( \_\_\_\_\_ ) of the  
(Official Title)

Neighbors Landscape & Design Corporation which is the owner in fee)

of the premises described in the foregoing application and that he/she has authorized Engineering & Surveying Properties to make the foregoing application for project  
(name of applicant)

approval as described herein.

Sworn before me this

26 day of August, 2019

Vanessa Escala  
Notary Public

Owner's Signature



VANESSA ESCALA  
Notary Public, State of New York  
No. 01ES6316486  
Qualified in Queens County  
My Commission Expires Dec. 15, 20

**Town of Highlands Consolidated Zoning Board of Appeals (appendix A)**

Applicant: Neighbors Landscape & Design S 16 B 4 L 2

Address of subject property: Town of Highlands Village of Highland Falls (please circle one)  
26 Mine Dock Road

<b>Zone:</b> _____	<b>Zoning Code Requirements</b>	<b>Existing Conditions</b>	<b>Proposed Construction</b>	<b>Variance Required</b>
Lot Area (minimum square footage)	20,000 SF	6,941 SF		YES
Lot Area % of total lot area occupied by main & accessory buildings	10%		16.5%	YES
Building Height (max)	35		< 35 FT	
Street Frontage	N/A			
Lot Width	100 FT	±160.6 FT		
Front Yard set-back	45 FT		9.2 FT	YES
Side Yard set-back	20 FT		27.2 FT	NO
Total for both Side Yards (set-backs)	40 FT		99.1 FT	
Abutting Side Street or Corner Lot (set-backs)	45 FT		N/A	
Rear Yard (set-back)	45 FT		11.5 FT	YES
Residential Floor Area	N/A			
Parking (number)	2		2	
Signage	N/A			
Other	N/A			
Change of Use? (indicate existing use and proposed use)	N/A			Yes or No (circle one)

NOTE: Please indicate the Zone of the subject property, the Zoning Code requirements for each category, the existing dimensions in applicable categories, the proposed

# Short Environmental Assessment Form

## Part 1 - Project Information

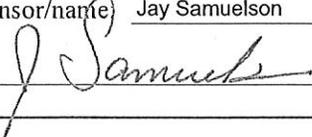
### Instructions for Completing

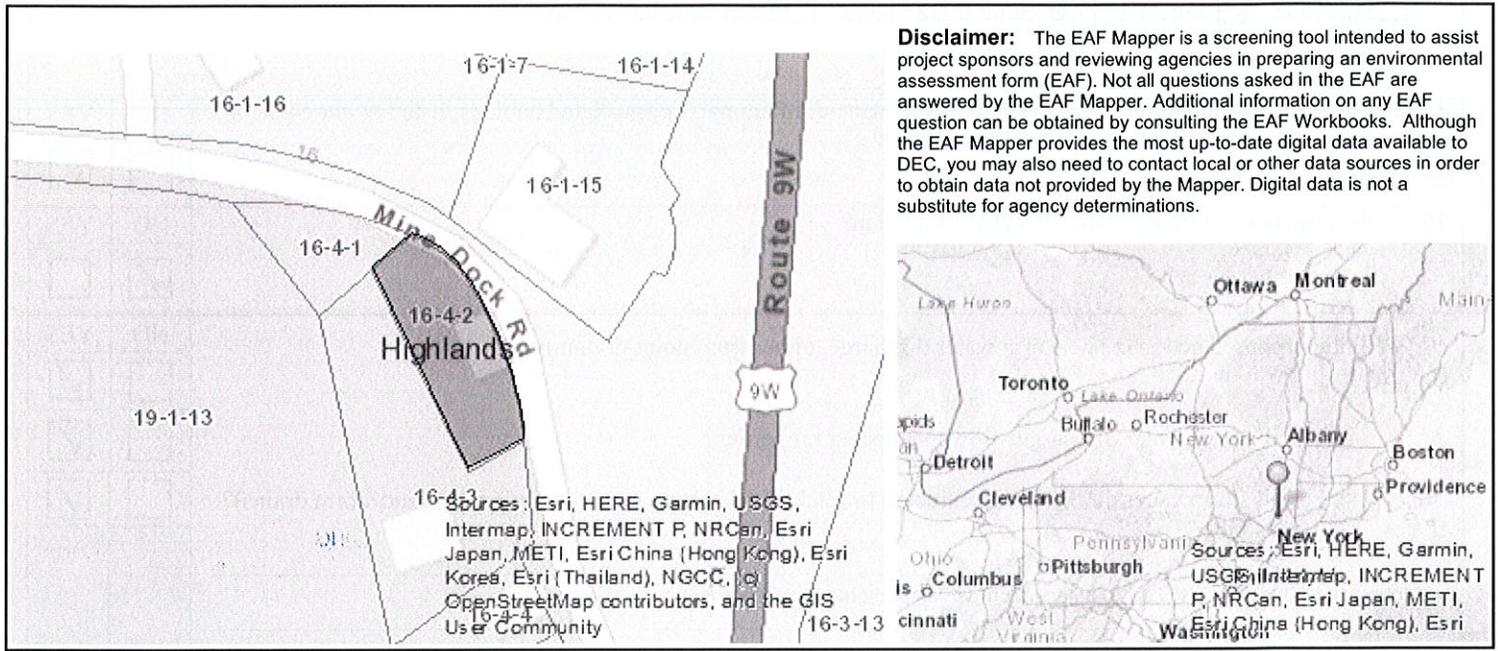
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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: Suchanyc - 26 Mine Dock Road			
Project Location (describe, and attach a location map): 26 Mine Dock Road			
Brief Description of Proposed Action: Proposed construction of a 24' x 45' dwelling.			
Name of Applicant or Sponsor: Neighbors Landscape & Design		Telephone: E-Mail: bryansuchanyc@crossmanagementcorp.com	
Address: P.O. Box 4			
City/PO: Fort Montgomery		State: NY	Zip Code: 10922
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.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Town of Highlands Zoning Board of Appeals			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.159 acres	
b. Total acreage to be physically disturbed?		0.13 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.159 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" 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 checked="" type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" 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: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
	<input checked="" 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: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ A private well is proposed. _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
	<input type="checkbox"/>	<input checked="" 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?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 checked="" 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? Northern Long-eared Bat, Ba...	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
_____ the stormwater will continue to flow to adjacent properties and onto Mine Dock Road _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name <u>Jay Samuelson</u> Date: <u>01/29/2020</u>		
Signature: <u></u> Title: <u>Engineer</u>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Northern Long-eared Bat, Bald Eagle, Atlantic Sturgeon, Shortnose Sturgeon
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes