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Town Clerk: (845) 688-5004  
Justice Court: (845) 688-5005  
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Assessor Fax: (845) 688-5708  
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*"The Heart of the Park... Where the Eagle Soars"*

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P.O. Box 134, 7209 Rte. 28, Shandaken, NY 12480

### **APPLICATION FOR AREA VARIANCE**

**Applicant Information** (if applicant is not the owner of the property, a notarized Agent Authorization form must be submitted)

JOSEPH FARKAS  
Name  
4148 ROUTE 212  
Mailing Address  
LAKE HILL, NY 12448  
City/State/Zip  
(845) 678-750-3789  
Contact Number  
josephfarkas1@yahoo.com  
Email Address

[Signature]  
Name of Owner if other than Applicant  
[Signature]  
Mailing Address  
[Signature]  
City/State/Zip  
[Signature]  
Contact Number  
[Signature]  
Email Address

### **Property Information**

Section 25.10 Block 3 Lot 2 Zoning District HB Size 0.12 acres

Physical address: 5417-5419 RT. 212, MT. TREMPER, NY 12547 Flood Zone: [ ] Yes [ ☒ ] No

Parcel is located on a \_\_\_\_\_ TOWN \_\_\_\_\_ COUNTY \_\_\_\_\_ STATE \_\_\_\_\_ PRIVATE road.

Is the parcel located within 500 feet of any County or State road or property? ☒ yes \_\_\_\_\_ no

Is the parcel located within 100 feet of any mapped water course? \_\_\_\_\_ yes ☒ no

Dimensions of Existing Building: [Signature] (including height) Square Footage: [Signature]

Dimensions of Proposed Building: 20' x 48' x 28' (including height) Square Footage: 960

Dimensions of Proposed Addition: [Signature] (including height) Square Footage: [Signature]

Maximum Structure Coverage Allowed: 15 % Variance Percentage Requested: 3.37 %

Proposed Setbacks: Front [Signature] ft. Rear 17.50 ft. Side 26.88 ft. Side 5 ft.

Required Setbacks: Front [Signature] ft. Rear 60 ft. Side 40 ft. Side 40 ft.

Variance Requested: Front [Signature] ft. Rear 42.50 ft. Side 13.12 ft. Side 35 ft.

## CRITERIA FOR THE ISSUANCE OF AN 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 of community by such grant. In making such determination the board shall also consider:

Each of the five listed criteria must be answered by the applicant with a narrative.

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:

NONE SUCH UNDESIRABLE CHANGE OR DETRIMENT WILL BE CREATED.  
THE HOUSE BUILT WILL BE IN CHARACTER OF THE NEIGHBORHOOD.

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 AREA VARIANCES ARE REQUIRED TO BUILD A HOME.

3. Whether the requested area variance is substantial:

THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL.

- UPON MY PURCHASE OF THIS LAND, A HOUSE <sup>ALREADY EXISTED ON IT</sup> 2 FAMILY 7 BEDROOMS, APPROX. 55' X 25'. MY PROPOSED HOUSE WILL BE 1 FAMILY 2 BEDROOMS, ON A 20' W X 48' DEEP FOOT PRINT. I AM DOWNSIZING CONSIDERABLY.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district:

THE PROPOSED VARIANCE WILL HAVE NO ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN NEIGHBORHOOD OR DISTRICT. THE SEPTIC PLAN HAS BEEN APPROVED BY DEP AND SURPASSES STANDARDS.

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:

THE ALLEGED DIFFICULTY WAS NOT SELF-CREATED. NEIGHBORS EXPRESSED CONCERN FOR SAFETY REGARDING THE DELAPIDATED CONDITION OF THE HOUSE, SO TO ADDRESS THEIR CONCERNS I HAD THE HOUSE TORN DOWN AND REMOVED. I PAID A SEPTIC ENGINEER TO DESIGN A MUCH UPGRADED SEPTIC SYSTEM. THE COVID PANDEMIC STRUCK APPROX. BETWEEN 2020 TILL 2023, CAUSING IMMENSE OBSTACLES TO MY REBUILDING MY HOUSE.

Any supporting documents should be submitted as a part of the application to the Zoning Board of Appeals.



**Attachment - Plot Plan**

Section: 25.10 Block: 3 Lot: 2

Location of lot: 5417-5419 RT. 212, MT TEMPER, NY, 12547

PLEASE SEE MY DRAWING OF PLOT PLAN.

**Note:** The plot plan drawn above must show the configuration of the lot showing ALL structures on the parcel and giving the dimensions of each structure and, most importantly, the setbacks of each structure from the property lines (front, rear, and sides.) The sketch **MUST BE DRAWN TO SCALE**. Indicate the name and placement of the road(s) for purposes of identification.

If you are submitting a professionally drawn sketch plan or preliminary plat, please check ☐ here and submit a minimum of six (6) copies of the drawing.

At least 10 days prior the Zoning Board of Appeals meeting the following will be submitted to the Zoning Office:


1. Six (6) copies of the application and all supporting documents
2. Six (6) copies of the plot/site plan detailing the proposed project and giving a diagram of the property showing all the existing and proposed buildings/structures, indicating the setback dimensions from each property line, stream, road, right of way, and other buildings/structures on the property.
3. A PDF copy of application, supporting documents, and plot/site plan.
4. Application fee: \$100, plus \$50 for any additional area variances within the same application.

Once your complete application is submitted to the Zoning Department, it will be scheduled for a PRELIMINARY HEARING, during which time the applicant will present their case to the Board of Appeals. The Board will review the application and all supporting documents, and if all requirements have been met, the applicant will be scheduled for a PUBLIC HEARING, usually at the next regular monthly meeting of the Board of Appeals. During the intervening period, the Zoning Office will notify the applicants abutting and adjacent property owners of the pending application and public hearing date. The cost of notifying the abutting and adjacent property owners via certified mail will be the responsibility of the applicant regardless of the Boards decision.

#### STATEMENT

The undersigned as individual owner(s) or as a qualified officer of the corporate owner of the above-described property, hereby apply for approval of the proposed variance in accordance with the provisions of the Zoning Law of the Town of Shandaken and authorize entry upon the property for site inspections by Zoning Officials and their authorized representatives. Fees are due and payable to: Town of Shandaken upon submission of the application.

Signature(s)

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

Date

8/11/25

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#### OFFICE USE ONLY

Date Recd: \_\_\_\_\_ Recd By: \_\_\_\_\_ Application Fee: \_\_\_\_\_ [ ] paid

File Number: \_\_\_\_\_

Preliminary Hearing: \_\_\_\_\_ Public Hearing: \_\_\_\_\_

Application [ ] approved [ ] denied Date: \_\_\_\_\_

N.Y.S. ROUTE

TO N.Y.S. RTE. 28

RAILROAD SPIKE TO BE SET  
N42°37'22"E

BOULDER

N51°05'20"W

LOCATION OF 20'X40'  
HOUSE FOOTPRINT  
PERMITTED BY  
SEPTIC PLAN

EXISTING 1,000 GAL.  
PLASTIC SEPTIC TANK  
TO REMAIN.  
ROCK SLAB, WOODEN  
PALLET, CAR TIRE  
SITS ATOP TANK.

1. ROD  
(FND)

S73°01'40"W

SCALE: 1" = 10'

AREA: 0.120 ± ACRES

SITE: 5417-5419 RT. 212, MT. TREMPER, NY, 12547

TAX MAP ID: 25.40-3-2

BEARING DATUM IS MAGNETIC AND WAS DETERMINED AT  
THE TIME OF THE FIELD SURVEY, NOVEMBER 2020

OWNER: JOSEPH FARKAS, 4148 ROUTE 212, LAKE HILL, NY, 12448

TRACED BY JOSEPH FARKAS ON 12/11/21 FROM SEPTIC PLAN, BASED ON  
PRIOR SURVEY, BOTH INCLUDED WITH THIS DRAWING

SHEET 1 OF 1

75.00'

CONCRETE MONUMENT  
± BORN

5.00'

STUMP  
± ONLINE

STUMP

FENCE  
REMAINS

80.00'

CONCRETE  
MONUMENT  
(FND)

S26°39'20"E

20.10'

WELL

50.00'

TREE WITH FENCE  
LINE REMAINS

1. ROD  
TO BE SET

26.88'

17.50'

72.00'

20.63'

DE OF  
SOMUS CREEK

