

**ZONING BOARD OF APPEALS
VILLAGE OF SOUTH NYACK
282 SOUTH BROADWAY
SOUTH NYACK, NEW YORK 10960
(845) 358-0244 Fax (845) 358-0630 FEE \$150.00
www.southnyack.info**

INSTRUCTIONS FOR ZBA APPLICATIONS

1. The Zoning Board of Appeals application packet must be filled out and returned to the South Nyack Building Department at least 30 days prior to the meeting date. Ten (10) copies of the complete application, including plans, must be submitted.

Each application for a variance or interpretation shall include:

- a) As required by law, a certified survey, site plan and related building plans, including a bulk requirements table (sample attached), shall be submitted. Any proposed additions or changes must be drawn to scale with dimensions clearly noted, in accordance with the methods of measurement required by the zoning law.**
- b) Completed appeal application form, together with the denial, decision or order of the Building Inspector from which relief is sought.**
- c) Listing of the specific section(s) of the law involved, with an attached narrative summary that:
 - i) describes the circumstances and difficulties requiring the application for a variance including a narrative description of the proposed construction or development details;**
 - ii) explains how the proposed plan meets each of the variance criteria listed on the back of the application form, and explains how the benefits to the applicant from granting the variance may outweigh the benefits to the community from denying it.**
 - iii) presents the interpretation of law that is claimed, including any relevant case law.****
- d) Details or evidence that will help the Board judge your case - statements of neighboring property owners, map of area, etc. However, any petition with a list of names supporting a position in the case must be presented to the Village clerk two working days prior to the hearing.**
- e) Environmental Assessment form - either short or long form as required by the Board.**
- f) Affidavit Pursuant To Section 809 certifying ownership or authorization to represent the owner.**

2. The Notice of Hearing will be published in the official newspaper of the Village by the Clerk. The cost of publication shall be paid by the applicant. In addition, a Zoning Board meeting fee of \$150.00 must be received by the Clerk prior to the meeting date.

3. Upon receipt of your application, you will receive instructions and a Notice of Hearing that you must send to adjoining neighbors and owners of properties within 200 feet of the property in question and post on your property. You must mail and post these notices no later than 10 days prior to the hearing and mail via CERTIFICATE OF MAILING. Proof of a complete and timely mailing (postal receipts) shall be filed with the Clerk prior to the hearing. In addition the property must be posted. STICKS ARE AVAILABLE AT THE VILLAGE HALL.

Please note: The South Nyack Zoning Law defining the requirements and procedures governing this application is available at the Village Hall, on our web site www.southnyack.info and at the Nyack Library, should you or your contractor/architect wish to review the law.

SOUTH NYACK BUILDING AND ZONING DEPARTMENT
282 SOUTH BROADWAY - SOUTH NYACK, N. Y. 10960
(845) 358-0244 FAX (845)358-0630

FOR OFFICE USE ONLY FILE NO. _____ DATE OF APPLICATION _____ ZBA AGENDA DATE _____ FEE PAID \$ _____ DATE APPROVED _____ DATE DISAPPROVED _____ DATE APPROVED WITH CONDITIONS _____ IF THE GRANTING OF THIS PERMIT IS SUBJECT TO CONDITIONS ESTABLISHED BY ANY BOARD, PLEASE ATTACH MINUTES OR A COPY OF THE DECISION TO THIS APPLICATION AS A PART OF THE FINAL PERMANENT RECORD.
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APPLICATION TO THE ZONING BOARD OF APPEALS
APPEAL FOR AN AREA VARIANCE FROM THE ZONING ORDINANCE
OR
INTERPRETATION OF THE ZONING ORDINANCE

Address of subject property _____ Zoning district _____ Section _____ Block _____ Lot _____ Existing use/occupancy _____ Owner's Name _____ Address _____ Telephone _____ (If owner is a corporation): Name of Corporation _____ Officer _____ Title _____ Previous Appeal: Has a previous appeal for an interpretation of the Zoning Ordinance, or an area variance been made with regard to any order, requirement, decision, interpretation or determination of the Building and Zoning Inspector with respect to this property? Yes _____ No _____ Type of Appeal: _____ Bulk requirements _____ Interpretation of the Zoning Ordinance
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DECLARATION OF APPEAL

Whereas, the Board of Appeals, on appeal from an order, requirement, decision, interpretation or determination made by an administrative official charged with the enforcement of local law, shall have the power to grant area variances from the area or dimensional requirements of the local law;

The meaning of any portion of the text of this local law or of any condition or requirement specified or made under the provisions of this local law; or
The exact location of any district boundary shown on the Zoning Map.

Therefore, I (We), _____, do hereby appeal the order, requirement, decision, interpretation or determination of the Building and Zoning Inspector in regard to an application for a Building/Zoning Permit dated _____, for the premises known as _____ and; I (We) do hereby request that the Board of Appeals grant a Variance from the following provision(s) of the Zoning Ordinance of the Village of South Nyack:

TO PERMIT:

I (We) do hereby attest that the variance requested is the minimum variance that will accomplish this purpose; and I (we), understand that in making its determination, the Zoning Board of Appeals shall consider the circumstances or conditions which are described herein as applicable under this appeal for an area variance; and that I (We), as applicant for the appeal, intend to offer proof of same by demonstration to the Board of Appeals as to the following:

Area Variance: Where, because of practical difficulty, an applicant requests a variance of the lot area or other dimensional requirements of this local law, the Board may grant a variance in the application of the provisions of this local law in the specific case, provided that the Board shall make a specific finding that the application of the requirements of this local law to the land in question creates such practical difficulty. In making its determination, the Board shall take into consideration the benefit to the applicant if the variance is granted weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Notwithstanding the provisions of Section 7-712-b of the Village Law of the State of New York, in the granting of a variance, the Board shall make each and every one of the following findings:

- a. That an undesirable change will not be produced in the character of the neighborhood nor a detriment created to nearby properties by the granting of the area variance; and**
- b. That the benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue, other than an area variance; and**
- c. That the requested variance is not substantial; and**
- d. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and**
- e. That the effect of any increased population density which may be produced upon available services and facilities is not significant; and**
- f. That the alleged difficulty was not self created. This consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.**

Minimum Variance: The Board of Appeals, in the granting of an area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

******The applicant shall attach a written statement specifically responding to the criteria listed above, "a" through "f"****.**

Signature of Applicant
Dated: _____

FEEES AND POSSIBLE ADDITIONAL COSTS

PURSUANT TO VILLAGE CODE

“Every application for determination shall be accompanied by a fee as set forth in the fee schedule adopted by the Board of Trustees.” (Section 37.7 & Section 39.1)

Additional costs may be expected:

- 1. At Site Plan Development**
- 2. SEQRA fee, actual cost to the Village**

Costs include: publication notices, additional Village Engineer expenses, stenographic services, planners, attorneys, experts and other professionals whose services are necessary or appropriate as determined by the Board. (Deposit to escrow account may be required.)

I HAVE READ THE ABOVE INFORMATION AND AGREE TO PAY UPON RECEIPT OF ANY STATEMENT THE COSTS INCURRED OR SERVICES RENDERED AS STATED.

Applicant’s Name

Sworn to before me this _____ day of _____

Notary Public

VILLAGE OF SOUTH NYACK
282 SOUTH BROADWAY
SOUTH NYACK, NEW YORK 10960
(845) 358-0244

1. Location of land on which proposed work will be done:

Section: _____ Block: _____ Lot: _____

Street & Number _____

2. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

A. Existing use and occupancy _____

B. Intended use and occupancy _____

3. Nature of Work (Check if applicable):

New Building ____ Addition ____ Alteration ____

Repair ____ Removal ____ Demolition ____

**4. If dwelling, number of dwelling units on each floor ____
If garage, number of cars ____**

5. Dimensions of Existing Structures, if any:

Front ____ Rear ____ Depth ____ Height ____ Number of stories ____

Dimensions of same structure with alterations or additions:

Front ____ Rear ____ Depth ____ Height ____ Number of stories ____

6. Dimensions of entire new construction:

Front ____ Rear ____ Depth ____ Height ____

7. Size of lot:

Front ____ Rear ____ Depth ____

**VILLAGE OF SOUTH NYACK
ENVIRONMENTAL STATEMENT FORM**

1. Project name: _____

2. Applicant's Name: _____

Applicant's Address: _____

Applicant's Telephone: _____

3. Attorney for Applicant: _____

Attorney for Applicant: _____

Attorney's Telephone: _____

4. Engineer for Applicant: _____

Engineer's Address: _____

Engineer's Telephone: _____

5. Location of Project: _____

6. Nature of Proposed Action: _____

7. Will project have significant impact on environment? Yes or No?

8. Detailed statement of project's impact on environment and reason for answer to

Question No. 7: _____

9. Attached is the **SHORT State Environmental Assessment Form** which must be filled out. **In the course of its consideration of this case, the Board may require that a FULL Environmental Assessment Form be submitted.**

Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR _____

2. PROJECT NAME _____

3. PROJECT LOCATION

Municipality _____ County _____

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)

5. PROPOSED ACTION IS: New ___ Expansion ___ Modification/alteration ___

6. DESCRIBE PROJECT BRIEFLY:

7. AMOUNT OF LAND AFFECTED: Initially acres _____ Ultimately acres _____

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?

Yes ___ No ___ If No, describe briefly

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?

Residential ___ Industrial ___ Commercial ___ Agriculture ___ Park/Forest/Open Space ___ Other ___
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?

Yes ___ No ___ If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?

Yes ___ No ___ If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?

Yes ___ No ___

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: _____ Date: _____

Signature: _____

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

EXAMPLE OF BULK TABLE

PLOT PLAN
SURVEY MAP DATED SEPTEMBER 13, 2005
NAME OF SURVEYOR
ADDRESS OF SURVEYOR
FOR: NAME OF PROPERTY OWNER
ADDRESS OF PROPERTY OWNER

SCALE 1"=20 FT.

ZONING DISTRICT: RG-6
SINGLE-FAMILY RESIDENCE WITH ACCESSORY
POOL AND PRIVATE UTILITY/STORAGE BUILDING

<u>REQUIREMENTS</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>
<u>PRINCIPAL BUILDING:</u>			
Lot area, minimum Sq. Ft.	6,000	8,952	8,952
Frontage Min. Ft.	60	78.82	78.82
Lot Coverage Max. %	50%	32.8%	33.8%*
Front Yard Min. Ft.	25	25	25
Building Height Stories/Ft.	3/30	2 1/2/25	2 1/2/25
Side Yard Min. Ft.	12	10.8**	10.8**
Both Side Yards Min Ft.	25	22.8**	21.8***
Rear Yard Min. Ft.	20	41	37.5
<u>ACCESSORY BUILDINGS:</u>			
Building Height Stories/Ft.	1/15	1/9	1/9
Front Yard Min. Ft.	50	67	67
Side Yard Min. Ft.	5	7.5	7.5
Rear Yard Min. Ft.	5	8	8
Both Side Yards Min. Ft.	10	10	10
Distance from Principal Building, Min. Ft.	10	0**	0**

* Includes principal building, accessory buildings, decks, porches and all impervious surfaces including but not limited to concrete, asphalt, brick, macadam and paving stone.

** Pre-existing non-conformity, no increase in degree or new non-conformity is proposed, variance will be required.

*** Increase in non-conformity, variance required.

USE AS SAMPLE ONLY