

**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) explain 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.

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

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:

Article _____ Section _____ Subsection _____ Paragraph _____ Subparagraph _____
Article _____ Section _____ Subsection _____ Paragraph _____ Subparagraph _____
Table of Use & Bulk Requirements, Schedule _____ Page _____

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: _____

FEES 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 _____, 20____

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 _____

617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:		Telephone:		
		E-Mail:		
Address:				
City/PO:		State:	Zip Code:	
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	YES
			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO	YES
			<input type="checkbox"/>	<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input 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 type="checkbox"/> Parkland				

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input 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 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 type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Date: _____		
Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

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