

ZONING BOARD OF APPEALS

VILLAGE OF SOUTH NYACK

INCORPORATED 1878

282 SOUTH BROADWAY SOUTH NYACK, NEW YORK 10960 (845) 358-0244 Fax (845)-358-0630

ZBA FEE \$350.00

www.southnyack.ny.gov

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, 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 Deputy 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 \$350.00 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.

Contact Information:		
Applicant:		Primary phone:
Address:		
City	State	Zip code
E-mail:		
Property Owner:		Primary phone:
Address:		
City	State	Zip code
E-mail:		
Engineer/Architect/Surveyor:		Primary phone:
Address:		
City	State	Zip code
E-mail:		
Attorney:		Primary phone:
Address:		
City	State	Zip code
E-mail:		
Contact Person:		Primary phone:
Address:		
City	State	Zip code
E-mail:		

**AFFIDAVIT FEES AND POSSIBLE ADDITIONAL COSTS
PURSUANT TO SOUTH NYACK VILLAGE CODE**

State of New York)
County of Rockland) ss.:
Town/Village of _____)

_____, being duly sworn, deposes and says:
Applicant's Name

Reimbursement for Professional Consulting Services. I understand that the Village Board, Planning Board, Zoning Board of Appeals, and other municipal boards, in the review of any application described above, may refer any such application presented to it to such engineering, planning, environmental or other technical consultant as such Board shall deem reasonably necessary to enable it to review such application as required by law. The charges made by such consultants shall be in accord with charges usually made for such services or pursuant to an existing contractual agreement between the town/village and each such consultant for the cost of such consultant services upon receipt of the bill.

(I agree to establish an escrow account with the Town/Village of South Nyack from which these consultants' fees will be paid. The escrow account will not draw interest and will be replenished upon notification by the Town/Village. Any additional sums needed to pay the Town's/Village's consultants shall be paid prior to final action on the application. The Town/Village may suspend processing of the application if there is a deficiency in the escrow account. Any sums remaining in the escrow account after the consultants have been paid in full will be returned to the applicant. The applicant has the right to examine escrow and payment records upon prior written notice to the Town/Village.)

Permits will not be issued, and site plan or subdivision will not be signed until bill is paid in full.

Applicant's Signature _____

Print Applicant's Name _____

SWORN to before me this
_____ day of _____, 20____

Notary Public

AFFIDAVIT OWNERSHIP/OWNER'S CONSENT

AFFIDAVIT PURSUANT TO

GENERAL MUNICIPAL LAW SECTION 809

State of New York)

County of Rockland) ss.:

Town/Village of _____)

_____, being duly sworn, deposes and says:
Applicant's Name

All the following statements and the statements contained in the papers submitted herewith are true and the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

I certify that I am the owner, officer, member or agent of owner, of all that certain lot, piece or parcel of land and/or building described in this application **and if not the owner that he has been duly and properly authorized to make this application and to assume responsibility for the owner** regarding this application for the relief below set forth:

I hereby authorize the within application on my behalf, and that the statements of fact contained in said application are true and agree to be bound by the determination of the board.

Owner _____
Mailing Address _____

SWORN to before me this
_____ day of _____, 20__

Notary Public

APPLICATION TO THE ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

DATE OF APPLICATION _____ ZBA AGENDA DATE _____

FEE PAID _____ DATE APPROVED _____ DATE APPROVED _____

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

Building and Site Information

Address of subject property _____

Tax Map Designation:

Section _____ Block _____ Lot(s) _____

Section _____ Block _____ Lot(s) _____

Owner name: _____

Phone: _____

Owner address: _____

Email: _____

(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:

_____ Area Variance

_____ Bulk Requirements

_____ Use Variance

_____ Interpretation of the Zoning Ordinance

_____ Special Permit

_____ Others

Nature of Work (Check if applicable)

<input type="checkbox"/>	New Building	<input type="checkbox"/>	Repair
<input type="checkbox"/>	Addition	<input type="checkbox"/>	Removal
<input type="checkbox"/>	Alteration	<input type="checkbox"/>	Demolition
<input type="checkbox"/>	Other(s)		

To PERMIT: (If additional space required, please attach a narrative summary.)

TO ALL APPLICANTS: Complete all relevant information by the section or sections pertaining to your appeal ONLY. You may also include extra pages to supplement this form with a narrative explanation. At the time of the hearing, you must present written documentation in support of all the statements made in this application.

Zoning District _____ **Existing use/occupancy** _____

Dimension*	Required	Existing	Proposed
<u>PRINCIPAL BUILDING</u>			
Lot Area, minimum sq. ft.			
Street Frontage			
Total Lot Coverage			
Front yard setback			
Side-yard setback			
Total side-yard			
Rear yard setback			
Building height / Number of stories			

Dimension*	Required	Existing	Proposed
<u>ACCESSORY BUILDINGS</u>			
Building height / Number of stories			
Front yard setback			
Side-yard setback			
Rear yard setback			
Total side-yard			
Distance from principal			
Building, Min. Ft.			

Sign Here

▶ Applicant Signature _____

_____ Dated

▶ Print Name _____

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.

Article _____ Section _____ Subsection _____ paragraph subparagraph _____

Article _____ Section _____ Subsection _____ paragraph subparagraph _____

Table of Use & Bulk Requirements, Schedule _____ Page _____

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:

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; 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" shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

AREA VARIANCE: The Board of Appeals, in the granting of 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.

(This section to be completed only for an AREA variance. Use additional pages, if needed.)

a. 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 (Will the variance create an undesirable change to the character of the neighborhood or be a detriment to nearby properties?) Explain:

b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance (Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue, other than an area variance?) **Explain:**

c. Whether the requested area variance is substantial. (Is the variance substantial in relation to the zoning district requirements) **Explain:**

d. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and That the effect of any increased population density which may be produced upon available services and facilities is not significant; (Will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district if granted?) **Explain:**

e. 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 an area variance. (Was the alleged practical difficulty self-created? Will the granting of this variance affect the health, safety, or welfare of the neighborhood or community? Will there be any affect on governmental facilities or services if this variance is granted?) **Explain:**

f. Other factors I/we wish the Board to consider in this case are: **Explain:**

Interpretation. The Board of Appeals may, on appeal from an order, requirement, decision, determination or interpretation made by the administrative official charged with the enforcement of this chapter, or upon referral by any official, board or agency of the Village, decide any of the following questions

Interpretation. The Board of Appeals may, on appeal from an order, requirement, decision, determination or interpretation made by the administrative official charged with the enforcement of this chapter, or upon referral by any official, board or agency of the Village, decide any of the following questions: (This section to be completed only for an AREA variance. Use additional pages, if needed.)

Section(s) to be interpreted:

An interpretation of the Zoning Code is requested because:

“Use variance” shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

USE VARIANCE - No such variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located: **(This section to be completed only for a USE variance. Use additional pages, if needed.)**

a. the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted):

b. that the property is being affected by unique, or at least highly uncommon circumstances and does not apply to a substantial portion of the district or neighborhood because:

c. that the requested use variance, if granted, will not alter the essential character of the neighborhood in that:

d. that the alleged hardship has not been self-created as evidenced by: