

**ZONING BOARD OF APPEALS  
VILLAGE OF SOUTH NYACK  
282 SOUTH BROADWAY  
SOUTH NYACK, NEW YORK 10960  
(845) 358-0244 Fax (845) 358-0630**

**ZBA FEE \$350.00**

**[www.southnyack.ny.gov](http://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 (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 \$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.**

**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:**

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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  
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(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 \_\_\_\_\_

# 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>
<b><u>PRINCIPAL BUILDING:</u></b>			
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
<b><u>ACCESSORY BUILDINGS:</u></b>			
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