

VILLAGE OF UPPER NYACK
328 N. Broadway, Upper Nyack NY 10960

APPLICATION TO THE ZONING BOARD OF APPEALS

INSTRUCTIONS

Submit one original copy of application in its entirety omitting only those sections that do not apply to the specific reason for appeal. A supplemental written narrative for consideration of additional information may be attached to application.

Affidavit page must have the required notarization of signatures.

Submit the following required documents with application:

1. Two (2) original copies of application for Building or Sign Permit (submitted with application to Planning Board).
2. Copy of Violation Notice, Decision or Order of Administrative Official on which appeal is based.
3. One original and one copy of Notice to Building Inspector of Appeal to Board of Appeals and all other documentation to perfect appeal (last page of application form).
4. One copy of updated survey in current owner's name.
5. One 8 x 10 photocopy of the tax map showing the property in question and the adjoining properties.
6. One copy of deed.
7. Two (2) sealed and ten (10) non-sealed copies of the site plan locating all existing and proposed structures and the exact setbacks to all lot lines.
8. Three (3) complete sets of construction drawings for all proposed structures for residential and commercial premises.
9. Check or money order payable to the Village of Upper Nyack.

Requirements prior to appearance before Zoning Board of Appeals:

1. Postal receipts for certified letters of neighbor notification.
2. One copy of signed and notarized Affidavit attesting to neighbor notification submitted to clerk 5 days prior to Zoning Board meeting.

(List of adjacent neighbors will be provided by Board Secretary along with copy of Affidavit and Notice of Public Hearing.)

APPLICATION TO THE ZONING BOARD OF APPEALS

Date _____

Appeal No: _____

Applicant's Name _____

Applicant's Phone No. _____

Attorney's Name _____

Attorney's Address _____

Attorney's Phone No. _____

Name of Property Owner _____

Name of Contract Purchaser _____

To the Zoning Board of Appeals, Village Hall, Upper Nyack, NY 10960

I /We _____ of _____

(Name of Applicant)

(Street and Number)

_____, _____ hereby appeal to the

(Municipality)

(State)

Zoning Board of Appeals from the decision of the Building Inspector on Violation Number _____

or on application for Building Permit number _____ dated _____ whereby the

Building Inspector did deny:

- () A Building Permit
- () Non-Conforming use
- () A Certificate for Occupancy and / or Use
- () Other _____

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1. Location of the property _____

(Number, Street, Municipality)

County Tax ID Number _____ Zoning District _____

At or near the following intersections or main streets: _____

2. Provision(s) of the Zoning Ordinance appealed:

Article _____, Section _____, Subsection/Paragraph _____

Article _____, Section _____, Subsection/Paragraph _____

Article _____, Section _____, Subsection/Paragraph _____

3. Previous Appeal: A previous appeal (), has, or () has not been made with respect to this property.

Such appeal(s) was/were in the form of

() An appeal from a Violation Notice No. _____ dated _____

() A request for a Variance and was made in Appeal No. _____, dated _____

Appeal No. _____, dated _____

() Other _____

4. Appeal is made hereforth for:

() An Interpretation of the Zoning Ordinance or Map

() Appeal from Decision of Village Official or Officer _____

(name)

() A Use Variance to the Zoning Ordinance

() An Area Variance to the Zoning Ordinance

Reason for Appeal. Complete all relevant information in the following section or sections pertaining to appeal checked above. Please note that at the time of the Zoning Board of Appeals hearing you will be able to supplement any of the following information by written or oral evidence. It would be advisable to be prepared at the time of the hearing to present written documentation of your application statements to substantiate all financial figures supplied and any other necessary material relevant to the request.

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Complete only the applicable sections as indicated by appeal request.

INTERPRETATION OF THE ZONING ORDINANCE OR MAP:

APPEAL FROM DECISION OF VILLAGE OFFICIAL OR OFFICER:

APPLICATION TO THE ZONING BOARD OF APPEALS

USE VARIANCE Article V, §17:4, B.

State how strict application of the Zoning Ordinance would cause unnecessary hardship. (Note: Proof of hardship to be provided must be related to the property and not the individual owner.)

1. The applicant must demonstrate a substantial lack of return by competent financial evidence:

- a. The amount paid for the entire parcel is _____
- b. The date of purchase of the property is _____
- c. The present value of the entire property is _____
- d. The value of the parcel that is the subject of this application is (also explain how value is determined) _____

- e. The monthly expenses attributed to maintenance of the property are _____.
- f. The amount of taxation on the property is _____.
- g. The current income from the land in issue is _____.
- h. The amount of mortgages and other encumbrances on the property is (date, monthly payments, balance due, interest rate, etc.) _____

2. This property cannot be used by any currently permitted uses because:

3. The alleged hardship relating to the property in question is unique, and does not apply to the general conditions of the neighborhood in that _____

4. The requested use variance, if granted, will not alter the essential character of the neighborhood in that _____

5. The alleged hardship has not been self created in that _____

6. Other factors I/ we wish the Board to consider in this case are _____

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AREA VARIANCE Article V, §17:4, C.

State how applicable zoning regulations would cause practical difficulty. (Note: Proof of practical difficulty should be related to the property and not to the individual. For example, practical difficulty could be the inability to make reasonable use of the land due to the size, shape, grade or contour.)

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of this variance? Explain. _____

2. Can the benefit sought by the applicant be achieved by some method, feasible by the applicant to pursue, other than an area variance? Explain. _____

3. Is the requested area variance substantial in relation to the zoning code? Explain. _____

4. Will the proposed variance have an adverse effect on the physical or environmental conditions of the neighborhood or district? Explain. _____

5. Is the alleged difficulty self created? Explain. _____

6. Is the requested variance the minimum variance necessary to relieve the practical difficulty? Explain. _____

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AREA VARIANCE (con't)

7. Would a significant economic hardship result if this variance were not granted? Explain.

8. Given that governmental facilities and services are available to this property, will the granting of this variance effect the health, safety, and welfare of the neighborhood or district? Explain.

9. If this variance is granted, will the effect of the increased population density produced on available governmental facilities, services, and schools be small or great? Explain.

10. Other factors the applicant may wish the Board to consider:

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APPEAL NO. _____

Notice to Building Inspector of Appeal to Zoning Board of Appeals

In the matter of the petition of:

Name _____

Address _____

County No: _____

Building Inspector

Village of Upper Nyack

County of Rockland, N.Y.

Attention of Mr. Roy Wanamaker, Building Inspector.

Dear Sir:

This is to give notice that _____ has/have appealed to the Zoning Board of Appeals of the Village of Upper Nyack, County of Rockland, N.Y., from your decision order dated _____ disapproving/approving (strike one) application for alteration, construction, maintenance, or use of a

The grounds on which this appeal is based are as follows:

Yours truly,

Dated _____

Note: To be made out in duplicate, original to be served on Building Inspector, duplicate filed with appeal.