



# ***Village of New Paltz - Zoning Board of Appeals***

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## ***New York State Review Criteria - Use Variance***

To Allow a use not otherwise allowed in Zoning, an Applicant must demonstrate to the Board - unnecessary hardship. Such demonstration includes the following:

1. Explain how, based on the current applicable zoning regulations, the Applicant is incapable of earning a "reasonable" financial return on his/her initial investment if used for any of the uses allowed by the zoning code. Applicant must demonstrate using financial evidence.
2. Explain how the alleged hardship that relates to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
3. Explain how the requested Variance, if granted, will not alter the essential character of the neighborhood.
4. Explain how the hardship is not self-created.

## ***New York State Review Criteria - Area Variance***

When an Area Variance (permission to build in an otherwise restricted portion of the property), NYS law required the Applicant to show that the benefit of the Variance will outweigh any burden to health, safety, and welfare suffered by the community. Please comment on the following criteria that the ZBA must consider before making its determination:

1. 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.
2. Whether the benefit sought by the Applicant can be achieved by some method which is feasible for the Applicant, but would not require a Variance.
3. Whether the requested Area Variance is substantial when compared to the referenced Village Code section(s).
4. Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Whether the alleged difficulty is self-created. For example, the project was started without the benefit of a permit.