



Village of New Paltz

Zoning Board of Appeals

Information and Application Packet

Zoning Board of Appeals
Building Department
25 Plattekill Avenue
New Paltz, NY 12561
Phone: (845) 255-3055
Fax: 845.255.5103

The Village of New Paltz Building Department and Zoning Board of Appeals (ZBA) has put together this document to assist all Persons or Corporations applying for a Variance and/or Interpretation/Appeal. Contained within are simple explanations to the following topics:

- *What types of relief the ZBA can grant.*
- *What an applicant can expect from the ZBA.*
- *Obligations of an applicant.*
- *What the ZBA requires, and what is required of the ZBA, regarding the decision making process.*

The Role of the Zoning Board of Appeals

The Board of Appeals has the power to hear and decide appeals brought by persons who allege some harm (negative impact) to them as a result of a decision by any local official who interprets and enforces the Zoning laws of the Village of New Paltz. The ZBA hears the appeals and is empowered to grant relief and/or interpret the Zoning Laws of the Village of New Paltz.

Disclaimer

This informational document has been prepared as a resource to familiarize applicants with ZBA procedures. It is intended to complement, not replace the advice of professionals, such as attorneys, architects, civil engineers or other advisors. If, as a result of reading the information contained in this packet, you have additional questions or need clarification, please contact the Building Inspector at (845) 255-3055.

PLEASE NOTE: The explanations, examples and guidelines contained in this document are not in any way intended to function as a promise or guarantee of any type to an applicant. Each case is judged on its own merits. Procedures and case law may change at any time; it is the responsibility of each applicant to be familiar with the current laws and precedents.

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Applications

Area Variance

Use Variance

Appeal of an Action/Interpretation by the Building Inspector

Forms Packet

Notarized Interest Disclosure

Notarized Escrow Deposit

Notarized Proxy Statement

Administrative Intake Form - for office use only

APPLYING TO THE ZBA

Applicants appear before the ZBA for one of the following three reasons:

- 1) Requesting an Area Variance from the Zoning Law.
- 2) Requesting a Use Variance from the Zoning Law.
- 3) Appeal of and Action or Interpretation by the Building Inspector.

WHAT IS REQUIRED OF APPLICANTS?

In order to initiate the process, applicant must submit a completed application with prescribed forms to the Zoning Board, pay an application fee and pay an escrow deposit to cover the costs incurred by the Village of New Paltz in having its attorney, engineer or other professional review and advise the ZBA with respect to your application.

The applicant may be represented by or assisted by attorneys, architects, or engineers, etc.), and may submit affidavits from interested parties (neighbors, business associates, etc.) and utilize experts (contractors, real estate professionals, appraisers, etc.).

THERE ARE TWO TYPES OF VARIANCES

1. An Area Variance allows the applicant a use of land in a manner which is not allowed by the dimensional or physical restrictions of the Zoning Law and to construct and/or maintain a structure, accessory building or condition on an otherwise restricted portion of a property.

For example, (a) you wish to locate an accessory use (pool, shed, etc.) on the side or front yard of your house when the Zoning Law requires them to be located in the rear yard or (b) you wish to build an addition which, when completed, will encroach into the mandated distance between the structure and the boundaries of your property.

2. A Use Variance allows the applicant to establish a use on their property for a purpose not permitted by the Zoning Law.

AREA VARIANCE

In the case of an Area Variance, New York Village Law requires the applicant to show that “the benefit received from the Variance outweighs any burden to health, safety and welfare that may be suffered by the neighborhood or the community”. The Law requires the ZBA to consider five (5) factors when making its determination. Thus, the ZBA requires that the applicant answer the following questions, in writing, on the application and be prepared to explain and support those answers at the hearing:

- 1) If the Area Variance is granted, will an undesirable change be produced in the neighborhood or will a detriment to nearby properties be created?
- 2) Could the implementation of a feasible alternative provide a similar benefit to the applicant, in place of granting the Area Variance?
- 3) Is the requested Area Variance substantial? (In a manner that could impact the character of the neighborhood and/or the surrounding properties.)
- 4) Will the proposed Area Variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
- 5) Is the alleged difficulty self-created?

Applicants should be aware that in considering an Area Variance, the ZBA is not bound by the particular answers to any of the five (5) statutory questions in reaching a decision. Rather, the ZBA must take each one of the factors into account. Further, in regards to the granting of relief, the Board may decide that:

- 1) The applicant has not submitted the required proof and therefore deny the Variance;
- 2) A lesser Variance (than the one requested by the applicant) is appropriate; or
- 3) There are remedies and alternatives available to the applicant that do not require granting of an Area Variance.

USE VARIANCE

In the case of a Use Variance, New York Village Law requires the applicant prove unnecessary hardship. To prove this, the applicant must show that the property is incapable of earning a reasonable return on the initial investment if used for any of the uses allowed by the Zoning Law.

Applicants requesting a Use Variance should be aware that actual dollars and cents proof must be submitted. A mere showing of present loss is not enough; the applicant must demonstrate that the return from the property is not reasonable for each and every permitted use under the Zoning Law. Applicants for a use Variance must also be aware that the fact that a change in the permitted use may increase the selling price of the property, or permit a larger profit, does not in itself justify the granting of a Use Variance on the grounds of unnecessary hardship.

Applicants must show that:

- 1) The hardship is unique to this property; that it is not shared by other properties in the applicant's district or neighborhood;
- 2) The property is being affected by unique or at least highly uncommon circumstances;
- 3) The Use Variance will not alter the essential character of the neighborhood;
and
- 4) That the hardship is not self-created.

In the case of a Use Variance, the Village Law requires that the ZBA must deny the Variance if any one (or more) of the four (4) factors is not proven to be true.

Burden of Proof for Use or Area Variance

The applicant is required to provide appropriate documentation that will allow the ZBA to decide the merits of the case. Such documentation includes, but is not limited to State Environmental Quality Review Act (SEQRA) assessment and/or environmental impact statements; plans, blueprints, survey map(s) of the property in relation to adjoining properties; photographs of the property and/or structure from various angles; related and pertinent documents from Federal, State, County and Municipal agencies (DOT, DEC, Health Departments, etc.), and corroborating, documentation from Real Estate Professionals or appraisers; and such other documentation as may be required by the ZBA.

Maximum Variance Limited

For both Use and Area Variances, New York State law requires the ZBA, if approving the request, to grant the minimum Variance necessary to provide relief. The ZBA is required to protect the character of the neighborhood and the health, safety and welfare of the community. As a result, the Board may impose reasonable conditions and restrictions on the Variance.

Appeal of an Action/Interpretation by the Building Inspector

If there is a disagreement about how the zoning law is being enforced by the Building Inspector, then you may appeal for an Action/Interpretation. If you are not satisfied by the ZBA's interpretation, then you may either apply for a Variance or file an appeal in State Court.

Property owners, neighboring residents and others with standing may appeal the Building Inspector's Action/Interpretation. Additionally, any Village of New Paltz official, Board or Commission member may appeal a decision of the Building Inspector.

The ZBA essentially becomes the Building Inspector and their decision is binding on all parties involved in the appeal.

Revisiting Previous ZBA Decisions

The ZBA must unanimously agree to reconsider previous decisions. Then, the ZBA must unanimously agree to change that decision.



Village of New Paltz - Zoning Board of Appeals

Rob Egan, Chairman

Members: Terry Dungan, Ellen Rocco, Anthony Saracino, Kaitlin Gallucci

Victoria Danskin, Alternate

David Gilmour, AICP, Village Planner; Bryant Arms, Building Inspector

Christena Carp, Secretary

25 Plattekill Avenue, New Paltz, NY 12516

planningzoning@villageofnewpaltz.org

Office: 845-255-3055 FAX: 845-255-5103

Village of New Paltz Zoning Board

2018 Meeting Schedule

Submission Date	<u>Meeting Date</u>
12/27/2017 (Wednesday)	1/9/2018
1/30/2018	2/13/2018
2/27/2018	3/13/2018
3/27/2018	4/10/2018
4/24/2018	5/8/2018
5/29/2018	6/12/2018
6/26/2018	7/10/2018
7/31/2018	8/14/2018
8/28/2018	9/11/2018
9/25/2018	10/9/2018
10/30/2018	11/13/2018
11/27/2018	12/11/2018
12/27/18 (Thursday)	1/15/2019



Village of New Paltz - Zoning Board of Appeals

Victoria Danskin, Chairman

Members: Terry Dungan, Ellen Rocco, Anthony Saracino, Katy Silberger

Rob Egan, Alternate and Kaitlin Gallucci, Alternate

David Gilmour, AICP, Village Planner; Bryant Arms, Building Inspector

Christena Carp, Secretary

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Zoning Board of Appeals (ZBA)

Schedule of Fees Yr. 2017-2018

The following fees for appeals to the ZBA are specifically included in the Code of the Village of New Paltz and are set by the Village Board of Trustees in the 2016-2017 Village Of New Paltz Fee Schedule:

Area Variance Application Fee	\$100 See §212-59(A)(3)(a)(1)[a]
Use Variance Application Fee	\$150 See §212-59(A)(3)(a)(2)
Appeal of an Action/Interpretation by the Building Inspector	\$200 See §212-59(A)(3)(a)(4)

Fees are non-refundable.



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SCHEDULE OF ESCROW DEPOSITS

The Zoning Board of Appeals (ZBA) has adopted the following schedule of escrow deposits. This Schedule shall be kept on file in the Building Department and in the offices of the Village Clerk and ZBA Secretary. The initial escrow deposit of an amount prescribed by this Schedule shall be collected at the time an application is filed. No application shall be deemed administratively complete until such escrow deposit has been received. The ZBA may modify the required amount in escrow during the review process.

Initial Escrow Deposit By Application Type (and Dollar Amount):

Area Variance

For each Variance required: **\$500**

Use Variance

For each non-conforming use being requested: **\$1000**

Appeal of an Action/Interpretation by the Building Inspector

For each section of zoning law being disputed: **\$1000**

If the amount in escrow becomes less than half of the required deposit, then the applicant shall replenish the escrow to at least its required deposit or to a new amount approved by the ZBA. Otherwise review will be suspended until the escrow account is replenished.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing - for detailed instructions, please go to: <http://www.dec.ny.gov/permits/90156.html>

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
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
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				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO YES N/A		
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation service(s) available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
16. Is the project site located in the 100 year flood plain?	NO	YES	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	NO	YES	

<p>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)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p>	<p>YES</p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		



Village of New Paltz

Zoning Board of Appeals

Applications Packet

Zoning Board of Appeals
Building Department
25 Plattekill Avenue
New Paltz, NY 12561
Phone: (845) 255-3055
Fax: 845.255.5103

Applications

- Area Variance
- Use Variance
- Appeal of an Action/Interpretation by the Building Inspector



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

Area Variance Application

Building Department
25 Plattekill Avenue
New Paltz, NY 12561
Phone: (845) 255-3055
Fax: 845.255.5102

Administrative Section only

Application Number: ZB _____	Date Received: _____
Application Fee: \$ _____ <input type="checkbox"/> Paid	<input type="checkbox"/> Hand-delivered
Escrow Deposit: \$ _____ <input type="checkbox"/> Paid	<input type="checkbox"/> Postmarked
Date of Public Hearing: _____	
County 239m Referral: _____	<input type="checkbox"/> Digital copy provided
Date of Final Action: _____	<input type="checkbox"/> 12 copies provided
Date of Filing with Village Clerk: _____	

Applicant - Please complete the following:

Section, Block and Lot (SBL) Number: _____	Zone: _____
Applicant's Name: _____	Owner's Name: _____
Address: _____	Address: _____
_____	_____
Day Phone: _____	Day Phone: _____
Evening Phone: _____	Evening Phone: _____
Email: _____	Email: _____

This form is to be completed by persons applying for an AREA Variance. (If unsure, see ZBA Information Packet or contact the Building Inspector.)

Submit one application for each section of code for which you are requesting the AREA Variance.

Please answer all questions and give a detailed explanation. *Please attached additional sheets to provide the same information for additional Variances being requested for this project*

1. Variance Description: _____

Chapter: _____ Section: _____

2. Statement of Need

Please state the justification for the requested Area Variance(s). This will help the Zoning Board of Appeals (ZBA) to make a determination. Explain why the requested Variance(s) is/are necessary. For example: My lot is nonconforming in size and I need this addition to the living and dining area which will comply with the legal occupancy requirements.

3. New York State Review Criteria for an Area Variance

When requesting an Area Variance (permission to build in an otherwise restricted portion of the property), NYS law requires 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:

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 Variances(s).

b. 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.

c. Whether the requested Area Variance(s) is/are substantial when compared to the referenced Village Code sections.

d. Whether the proposed Area Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

e. Whether the alleged difficulty is self-created. For example, the project was started without the benefit of a permit.

Refund of Fees (not including Escrow Funds) - The owner hereby understands and agrees that any associated fee paid to the Village is not refundable regardless of whether or not the Area Variance(s) has/have been granted or the application has been withdrawn.

I, the undersigned, am the Owner, or their Authorized Agent.
(If the Applicant is not the Property Owner, then attach the notarized Owner Affidavit form which gives authorization to the Applicant.)

Applicant's Signature: _____ **Date:** _____

Applicant Checklist and Time Table for Use Variance and Area Variance

Please keep this copy for your use. Another copy will be used by staff

Please make **12 physical copies** of each document and submit the entire package to the Planning and Zoning Secretary or the Building Department. Additionally, a **digital copy** must be formatted for convenient viewing and sent to the Planning and Zoning Secretary at:
planningzoning@villageofnewpaltz.org

1. Completed application signed and submitted two weeks prior to ZBA Meeting.
 - a. Site Plan/Survey of property that is the subject of the Variance(s)
 - b. Determination letter, Notice of Violation, or permit from the Building Inspector
 - c. Application fee made payable to the Village of New Paltz
 - d. Escrow deposit
 - e. Any additional supporting documentation requested by the Building Department
 - f. Photographs of the Site
 - g. Photographs of the Site taken **after** project completion - must be submitted within 2 weeks after completion.

2. Prepare for Public Hearing by picking up Neighborhood Notification Packet from the Building Dept.
 - a. Send out the Public Notice to all of the people on the provided list at least 10 days prior to the public hearing.

 - b. Post the Public Notice on your property as requested at least 10 days prior to the public hearing.

 - c. Submit fully executed Affidavit of Service by Mail and Posting of Signs to the Building Dept. at least 2 days prior to the public hearing.

3. Submit additional documentation requested by the ZBA at least two weeks in advance of the upcoming meeting.

4. Exercise the Variance within one year of the Zoning Board of Appeals' Decision.



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

Use Variance Application

Building Department
25 Plattekill Avenue
New Paltz, NY 12561
Phone: (845) 255-3055
Fax: 845.255.5102

Administrative Section only

Application Number: ZB_____	Date Received: _____
Application Fee: \$_____ <input type="checkbox"/> Paid	<input type="checkbox"/> Hand-delivered
Escrow Deposit: \$_____ <input type="checkbox"/> Paid	<input type="checkbox"/> Postmarked
Date of Public Hearing: _____	
County 239m Referral: _____	<input type="checkbox"/> Digital copy provided
Date of Final Action: _____	<input type="checkbox"/> 12 copies provided
Date of Filing with Village Clerk: _____	

Applicant - Please complete the following:

Section, Block and Lot (SBL) Number: _____	Zone: _____
Applicant's Address: _____	Owner's Address: _____
_____	_____
Day Phone: _____	Day Phone: _____
Evening Phone: _____	Evening Phone: _____
Email: _____	Email: _____

This form is to be completed by persons applying for a USE Variance. (If unsure, see ZBA Information Packet or contact the Building Inspector.)

Submit one application for each section of code for which you are requesting the USE Variance.

The ZBA must deny the USE Variance if any one (or more) of the four (4) criteria is not proven.

Please answer all questions and give a detailed explanation. *Please attach additional sheets to provide the same information for additional Variances being requested for your project*

1. Variance Description:

Chapter: _____ Section: _____

2. Statement of Need

Please state your justification for the requested Use Variance(s). This will help the Zoning Board of Appeals (ZBA) make a determination. Explain why the requested Variance(s) is/are necessary. For example: For example, the building on my lot is specifically designed to be a car wash, but its use has expired.

3. New York State Review Criteria for Use Variance

a. 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:

b. 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:

c. Explain how the requested Variance, if granted, will not alter the essential character of the neighborhood:

d. Explain how the hardship is not self-created:

Refund of Fees (not including Escrow Funds) - The owner hereby understands and agrees that any associated fee paid to the Village is not refundable regardless of whether or not the Use Variance(s) has/have been granted or the application has been withdrawn.

I, the undersigned, am the Owner, or their Authorized Agent. **(If the Applicant is not the Property Owner, the Property Owner must have the attached Owner Affidavit form notarized in order to give authorization to the Applicant.)**

Applicant's Signature: _____ **Date:** _____

Applicant Checklist and Time Table for Use Variance and Area Variance

Please keep this copy for your use. Another copy will be used by staff

Please make **12 physical copies** of each document and submit the entire package to the Planning and Zoning Secretary or the Building Department. Additionally, a **digital copy** must be formatted for convenient viewing and sent to the Planning and Zoning Secretary at: planningzoning@villageofnewpaltz.org

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 - e. Any additional supporting documentation requested by the Building Department
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 - b. Post the Public Notice on your property as requested at least 10 days prior to the public hearing.
 - c. Submit fully executed Affidavit of Service by Mail and Posting of Signs to the Building Dept. at least 2 days prior to the public hearing.

3. Submit additional documentation requested by the ZBA at least two weeks in advance of the upcoming meeting.

4. Exercise the Variance within one year of the Zoning Board of Appeals' Decision.



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

**Appeal of an Action or
Interpretation by the
Building Inspector**

Building Department
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Phone: (845) 255-3055
Fax: 845.255.5102

Administrative Section only

Application Number: ZB_____	Date Received:_____
Application Fee: \$_____ <input type="checkbox"/> Paid	<input type="checkbox"/> Hand-delivered
Escrow Deposit: \$_____ <input type="checkbox"/> Paid	<input type="checkbox"/> Postmarked
Date of Public Hearing: _____	
County 239m Referral: _____	<input type="checkbox"/> Digital copy provided
Date of Final Action: _____	<input type="checkbox"/> 12 copies provided
Date of Filing with Village Clerk: _____	

Applicant - Please complete the following:

Applicant's Name: _____	Owner's Name: _____
Address: _____	Address: _____
_____	_____
Day Phone: _____	Day Phone: _____
Evening Phone: _____	Evening Phone: _____
Email: _____	Email: _____

This form is to be completed by applicants seeking an **Appeal of an Action/Interpretation by the Building Inspector** of the provisions of the Village Zoning Code as it relates to any order, requirement, decision, or determination made by the Building Inspector or other village official. An application for an Interpretation requests that the ZBA review the underlying decision, order or determination. Interpretation applications enable the ZBA to affirm, reverse, in whole or in part, or make such other decision as it believes should have been properly made.

The applicant is responsible for complying with established ZBA rules, procedures and the law in accordance with §212-57 through §212-61 of the Code of the Village of New Paltz.

PLEASE GIVE A DETAILED EXPLANATION and *attach a copy of the Order or Decision to the application.*

Interpretation of the Zoning Code

1. State the zoning law(s) cited in the Building Inspector's Action, or the relevant zoning laws(s) if appealing the granting of a permit, which you contend is (are) being misinterpreted:

2. Describe how the Building Inspector's current decision/interpretation affects your property:

3. Describe how your interpretation of the law would affect your property and other properties within the Village:

4. Describe and justify your alternative interpretation of the law(s) being cited in the Building Inspector's Action. Justify your interpretation by citing supporting sections of Village Code. Describe how each of those code sections support your interpretation:

Refund of Fees (not including Escrow Funds) - The owner hereby understands and agrees that any associated fee paid to the Village is not refundable regardless of whether or not the Appeal of an Action/Interpretation by the Building Inspector has been granted or the application has been withdrawn.

I, the undersigned, am the Owner, or their Authorized Agent.
(If the Applicant is not the Property Owner, the Property Owner must have the attached Owner Affidavit form notarized in order to give authorization to the Applicant.)

Applicant's Signature: _____ **Date:** _____



Village of New Paltz

Zoning Board of Appeals

Forms Packet

Zoning Board of Appeals
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Phone: (845) 255-3055
Fax: 845.255.5103

All forms must be notarized

- Interest Disclosure
- Escrow Deposit
- Proxy Statement



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

**Interest Disclosure
Affidavit Pursuant to Section 809 of
the General Municipal Law**

Building Department
25 Plattekill Avenue
New Paltz, NY 12561
Phone: (845) 255-3055
Fax: 845.255.5102
ZBA: _____

State of New York)
County of Ulster) ss.:
Village of New Paltz)

Re: _____

I, _____, being duly sworn, hereby depose and say that all the following statements and the statements contained in the papers submitted herewith are true and that the nature and extent of any interests set forth are disclosed to the extent that they are known to the applicant.

There is no state officer, Ulster County Officer or employee, or town/village officer or employee nor his or her spouse, brother, sister, parent, child or grandchild, or a spouse of any of these relatives who is the applicant or who has an interest in the person, partnership or association making this application, petition or request, or is an officer, director, partner or employee of the applicant, or that such officer or employee, if this applicant is a corporation, legally or beneficially owns or controls any stock of the applicant in excess of 5% of the total of the corporation if its stock is listed on the New York or American Stock Exchanges, or other major Stock Exchanges; or is a member or partner of the applicant, if the applicant is an association or a partnership; nor that such town/village officer or employee nor any member of his family in any of the foregoing classes is a party to an agreement with the applicant, express or implied, whereby such officer or employee may receive any payment or other benefit, whether or not for service rendered, which is dependent or contingent upon the favorable approval of this application, petition or request.

That to the extent that the same is known to your applicant, and to the owner of the subject premises, there is disclosed herewith the interest of the following officer or employee of the State of New York or the County of Ulster or of the Town/Village of New Paltz in the petition, request or application or in the property or subject matter to which it relates:

(If none, so state)

1. Name and address of officer or employee:

2. Nature of interest:

3. If stockholder, number of shares:

4. If Officer or partner, nature of office and name of partnership:

a. If a spouse or brother, sister, parent, child, grandchild or the spouse of any of these blood relatives of such state, county or town/village officer or employee, state name and address of such relative and nature of relationship to officer and employee and nature and extent of office, interest or participation or association having an interest in such ownership or in any business entity sharing in such ownership.

b. In the event of corporate ownership: A list of all directors, officers and stockholders of each corporation owning more than five (5%) percent of any class of stock, must be attached, if any of these are officers or employees of the State of New York, or of the County of Ulster, or of the Town/Village of New Paltz.

I, _____, do hereby depose and say that all the above statements and statements contained in the papers submitted herewith are true, knowing that a person who knowingly and intentionally violates this section is guilty of a misdemeanor.

Applicant's Signature

Applicant's Mailing Address

Sworn to before me this _____ day of _____, 20_____

Notary Public



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

Escrow Deposit

**Affidavit of Owner's Obligation to
Comply with Village Code Section 212-66,
Requiring Escrow Deposit to Pay
Professional Review Fees**

Building Department
25 Plattekill Avenue
New Paltz, NY 12561
Phone: (845) 255-3055
Fax: 845.255.5102
ZB: _____

Re: _____

Escrow Amt: \$ _____

State of New York)
County of Ulster) ss.:
Village of New Paltz)

I, _____, being duly sworn, hereby
depose and say:

1. That I have been advised of the requirements of Village Code section 212-66, which states:

A. Fees.

Those fees not specified in this chapter shall be in accordance with a list maintained by the Building Inspector and posted conspicuously in his office.

B. Escrow Deposits.

(1) In connection with any application for a special permit, site plan or subdivision approval, zoning amendment, Variance, or other appeal, the reviewing board may require an applicant to deposit an initial sum of money into an escrow account in advance of the review of the application. Said sum shall be based on the estimated cost to the Village of reviewing the particular type of application before it. The reviewing board may consider the professional review expenses incurred by neighboring municipalities in reviewing similar applications. The reviewing board may also consider the Village's survey of professional review expenses in determining the initial sum of money to be deposited in an escrow account by an applicant.

(2) Use of funds.

(a) Said sum of money shall be used to cover the reasonable and necessary costs of reviewing an application. Costs may include staff costs or consultant fees for planning, engineering, legal, and other professional and technical services required for the proper and thorough review of an application. The reviews governed by this section shall include all environmental review pursuant to law including review of the proposed action under the State Environmental Quality Review Act (SEQRA).

(b) The review expenses provided for herein are in addition to application or administrative fees required pursuant to other sections of the New Paltz Village Code. Monies deposited by applicant pursuant to this section shall not be used to offset the Village's general expenses for professional services for the several boards of the Village or the Village's general administrative expenses.

(c) Fees charged strictly as a result of a SEQRA review shall in no event exceed the maximum amounts that can be charged pursuant to the SEQRA regulations by the lead agency.

C. Upon receipt of monies requested for an escrow account, the Village Treasurer shall cause such monies to be placed in a custodial non-interest bearing account in the name of the Village and shall keep a separate record of all such monies deposited and the name of the applicant and project for which such sums were deposited.

D. Upon receipt and approval by the chair of the respective board of itemized vouchers from consultants for services rendered on behalf of the Village regarding a particular application, the Village Clerk shall forward the approved vouchers to the Village Board of Trustees for audit and approval. Upon approval by the Village Board of Trustees, the Village Treasurer shall cause such vouchers to be paid out of the monies so deposited, and shall charge the separate record of such account accordingly. Upon request, the consultant shall make copies of such vouchers available to the applicant at the same time the vouchers are submitted to the Village.

E. The Village Board of Trustees shall review and audit all such vouchers and the chair of the respective board and Village Board of Trustees shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred by the Village in connection with the review and consideration of applications. A charge or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Village for services performed in connection with the review of a similar application. In auditing the vouchers, the board may take into consideration the size, type and number of buildings to be constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the application and any special conditions the board may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the consultant for a service which was rendered in order to protect or promote the health, safety or other vital interests of the residents of the Village, and to protect public or private property from damage.

F. In no event shall an applicant make direct payment to any Village consultant.

G. If at any time during the processing of an application there shall be insufficient monies on hand to the credit of an applicant to pay the approved vouchers in full, or if it shall reasonably appear to the reviewing board that such monies will be insufficient to meet vouchers yet to be submitted, the reviewing board shall cause the applicant to deposit additional sums as the board deems necessary or advisable in order to meet such expenses or anticipated expenses.

H. In the event the applicant fails to deposit the requested review fees into an escrow account, any applicant review, approval, permit or certificates of occupancy shall be withheld or suspended by the reviewing board, officer or employee of the Village until such monies are deposited.

I. Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Village have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 60 days after the applicant's request.

J. Consistent with the terms of this section, each board may from time to time set the appropriate escrow deposit for particular types of applications. A schedule of such required escrow deposits shall be kept on file in the Building Department and in the offices of the Village Clerk and secretary of the appropriate board. If no such escrow deposit is set in advance by the respective board, the Building Inspector or secretary shall consult with the chair of the respective board to determine the appropriate escrow deposit. Such escrow deposit shall be collected at the time the application is filed, and no application shall be deemed administratively complete until such escrow deposit has been received.

2. I agree to comply with the requirements of Village Code section 212-66.

Applicant's Signature

Applicant's Mailing Address

Sworn to before me this _____ day of _____, 20_____

Notary Public



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

Proxy Statement

Building Department
25 Plattekill Avenue
New Paltz, NY 12561
Phone: (845) 255-3055
Fax: 845.255.5102

ZB _____

Date: _____

I, _____, owner of the property located at:
_____ in New Paltz, NY 12561,

give my permission to: _____ to obtain:

- Planning Board - Site Plan Approval
- Planning Board Special Use Permit
- Planning Board - Subdivision
- Historic Preservation Commission - Historic Review
- Zoning Board of Appeals - Use Variance
- Zoning Board of Appeals - Area Variance
- Zoning Board of Appeals - Appeal an Action by the MCO Building Inspector II
- Shade Tree Commission
- Environmental Policy Board

Signature of Owner

Sworn to before me this _____ day of _____ 20_____

Notary Public



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

Administrative Intake Form

Building Department
25 Plattekill Avenue
New Paltz, NY 12561
Phone: (845) 255-3055
Fax: 845.255.5102

Regarding: _____ ZB _____

1. Applicant is the: Owner of Property Other _____
 Agent of Property

2. Present Use of Property: Residential (Single or Two-Family)
 Multi-Family
 Commercial
 Other: _____

Use has continued without change since (YEAR): _____

3. Type of Relief Requested: Use Variance
 Area Variance
 Appeal of an Action/Interpretation by the Building Inspector

A. Is there an approved site plan on file? _____

B. Have Building Permits been issued for this parcel in the past? _____

C. Are there any outstanding violations in Building Department files on this parcel?

D. Date a Certificate of Occupancy is issued (if applicable): _____

E. Are there any legally pre-existing non-conforming conditions? _____

F. What is the disposition for any previous appeal(s) to the ZBA, if any?

G. Have copies of the Building Department's documents been attached? _____

H. Building Inspector's Signature: _____

Print Name: _____

Staff Checklist for Referral to Ulster County Planning Board

This property is within 500 feet of the 9 items listed below (check all that apply):

This property is not within 500 feet of the 9 items listed below:

If any item is checked, a review must be done by the Ulster County Commissioner of Planning under the State General Municipal Law, Section 239 K, L, M, and N.

- | | | |
|---|--|---------------------------------|
| <input type="checkbox"/> State Road/Highway | <input type="checkbox"/> County Road | <input type="checkbox"/> School |
| <input type="checkbox"/> State or County Park | <input type="checkbox"/> County Stream | |
| <input type="checkbox"/> Municipal Boundary | <input type="checkbox"/> County Facility | |
| <input type="checkbox"/> Municipal Facility | <input type="checkbox"/> State Facility | |

List name(s) and addresses of the facility/facilities checked above:

Staff Checklist and Time Table for Use Variance and Area Variance - (Applicant checklist is in the Application)

1. Completed application signed and submitted at least two weeks prior to ZBA Meeting.
 - a. Site Plan/Survey of property that is the subject of the Variance(s)
 - b. Determination letter, Notice of Violation, or disputed permit from the Building Inspector
 - c. Application fee made payable to the Village of New Paltz
 - d. Escrow deposit
 - e. Photographs of the Site
 - f. Any additional supporting documentation requested by the ZBA
 - g. Photographs of the Site taken **after** project completion - must be submitted within 2 weeks after completion.
2. Prepare for Public Hearing by picking up Neighborhood Notification Packet from the Building Dept.
 - a. Send out the Public Notice to all of the people on the provided list at least 10 days prior to the public hearing.
 - b. Post the Public Notice on your property as requested at least 10 days prior to the public hearing.
 - c. Submit fully executed Affidavit of Service by Mail and Posting of Signs to the Building Dept. at least 2 days prior to the public hearing.
3. Submit additional documentation requested by the ZBA at least two weeks in advance of the upcoming meeting.
4. Exercise the Variance within one year of the Zoning Board of Appeals' Decision.