



***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: \$ _____ ☐ Paid ☐
Escrow Deposit: \$ _____ ☐ Paid ☐
Date of Public Hearing: _____
County 239m Referral: _____ ☐
Date of Final Action: _____ ☐
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 2 copies of each document and submit the entire package to the Planning and Zoning or the Building Department. Send a **digital copy** to the Secretary for Planning and Zoning 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.