

ZBA APPLICATION, MEETING AND APPROVAL PROCEDURES

When applying to the Zoning Board of Appeals, there is generally a regular set of steps that will be followed, hopefully ending in the approval of your application.

- Step 1. Obtain the application form from the Code Enforcement Department
- Step 2. Fill out the form to the best of your ability. The Department will assist you as necessary.
- Step 3. Return all required documents for your application, the application fee and the escrow fee to Code Enforcement. Application must be received a minimum of one week prior to a scheduled meeting.
- Step 4. Code Enforcement will forward your application to the ZBA.
- Step 5. You will receive correspondence from the ZBA informing you of your **first** meeting date. Meetings are held on the second and fourth Monday of each month, at Town Hall, second floor, at 7:30pm, unless otherwise stated. This **first** meeting will be for the ZBA to review your application for completeness only. ***It is strongly recommended that you attend this meeting to insure all documentation has been submitted and is in order.***
- Step 6. If the ZBA deems your application complete, they will schedule your **second** meeting, which will be your actual public hearing. At the **second** meeting, you will explain your case to the ZBA and answer any questions they may have.
- Step 7. The ZBA may require more than one public hearing to decide your case. If so, you will be advised of any further public hearings.
- Step 8. When the ZBA is satisfied that it has all necessary information, they will close the public hearings and take a vote on your case, whether to approve or deny your application.
- Step 9. After your final vote is taken by the ZBA you should return to the Code Enforcement Department for further instructions and assistance

NOTICE TO APPLICANTS

READ ALL INFORMATION ON THIS APPLICATION CAREFULLY. WE WILL ASSIST YOU AS MUCH AS POSSIBLE, BUT IT IS NOT OUR RESPONSIBILITY TO GATHER INFORMATION, MAKE COPIES OR ASSEMBLE APPLICATION PACKAGES.

All submissions to the Zoning Board of Appeals must be submitted a minimum of two calendar weeks prior to being placed on the agenda for review.

The initial review of the application by the Board will be to insure completeness of the application only. If the application is deemed complete, a public hearing date will be set and the applicant will be so notified. If the application is deemed incomplete for any reason, the applicant will be notified of the additional requirements of the Board.

The application must contain detailed directions to the property to enable the Board members to make site visits as required. The property must also be properly posted with the correct 911 address as required by the town code.

A copy of the Zoning Code and Zoning Map is available in the office of the Town Clerk.

Be prepared to present facts and any additional information the Board may need at the time of the public hearing.

All applications for a SPECIAL USE PERMIT must also be referred to the Town Planning Board. This will be done by the clerk of the Zoning Board.

FEES: payable at time of application – Variance - \$200.00

Interpretation - \$200.00

Special Use Permit - \$ 500.00

ESCROW: \$ 1000.00

Payable at time of application;

Returnable after adoption of final ZBA resolution and payment of any consulting fees incurred

APPEAL # _____ Tax Map # _____

Final hearing date _____ Zoning Board decision APPROVED / DENIED

Date application submitted _____

Application fee \$ _____ Escrow \$ _____ Received by _____

To the Zoning Board of Appeals, Town of Philipstown, New York:

I (we), _____

residing at _____

Telephone: home _____ business _____

HEREBY appeal the decision of (name and title) _____

whereby he/she

GRANTED ___ DENIED ___ a BUILDING PERMIT ___ a CERTIFICATE OF OCCUPANCY ___

For _____

To _____

of _____

For property at tax map # _____ in zoning district _____

WHEN FILLING OUT APPLICATION, ATTACH ADDITIONAL PAGES AS NECESSARY TO ANSWER QUESTIONS.

1. LOCATION OF PROPERTY: (Give 911 address and a map and detailed narrative giving directions to the property using road names, such as Route 9 or 9D, Old Albany Post Road, East Mountain Road South, etc. and landmarks such as Garrison School, North Highlands Fire House, Highlands Country Club, etc:

2. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS (Include those opposite on streets/highways. Use additional sheets if necessary. This information may be obtained in the Town assessor's office)

3. PROVISIONS OF ZONING CODE INVOLVED (give Article, Section, Sub-section, paragraph by number, Do not quote text of code)

4. PREVIOUS APPEAL (If there have been any previous appeals for this property or any portion thereof, set forth the appeal number, date, relief sought and the ZBA decision resulting)

TYPE OF APPEAL:

- _____ an INTERPRETATION of the Zoning Code or Maps
- _____ a VARIANCE from the Zoning Code
- _____ a SPECIAL USE PERMIT under the Zoning Code

5. DETAILS OF APPEAL (Complete only that section which applies to the appeal you are submitting)
 - (a) INTERPRETATION of the Zoning Code is requested
 - (1) An exact statement of the interpretation requested is:

(b) a VARIANCE from the Zoning Code is requested:

(1) An exact statement of the details of the variance requested is:

(2) The grounds on which this variance should be granted are:

(c) a SPECIAL USE PERMIT is requested:

(1) The reason the permit is requested:

(2) An exact statement of use for which the permit is requested:

(3) The facts showing the use is permitted as a SPECIAL USE under the code and the ability of the applicant to comply with all requirements of the code for granting of a special use permit:

STATE OF NEW YORK, COUNTY OF PUTNAM _____

being duly sworn, says: I have read the foregoing appeal and papers attached; that the statements and representations made therein are true to the best of my knowledge and belief.

Signature of applicant or agent

Sworn before me this _____ day of _____ 2000

Notary, _____ County. _____

SUBMISSION REQUIREMENTS: (1) For a VARIANCE or INTERPRETATION please submit (7) individual packets
(2) For a SPECIAL USE PERMIT please submit (19) individual packets

each packet containing one each of the below listed items. These items are very specific and MUST be complied with exactly

1. Completed appeal form
2. Deed to property
3. Denied application for Building Permit or Certificate of Occupancy
4. Building plans with ONE ORIGINAL professional seal and signature
5. Survey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. One survey with ORIGINAL professional seal and signature
6. Certificates of Occupancy for any existing structures
7. Contour maps as required by conditions

PHILIPSTOWN ZONING BOARD OF APPEALS
SUPPLEMENTAL WORKSHEET FOR AREA VARIANCE APPLICANTS

In accordance with state law, the Zoning Board must grant or deny an area variance based on specified factors and a balancing of "the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community". We have developed this Supplement to assist you with preparing, submitting and presenting your case to the Zoning Board. Please complete the factors 1a – 5 below and submit with your application (attach additional pages if necessary). We have provided suggested questions which will assist you in answering each factor and in preparing for the Board's review. It is strongly suggested that you structure your presentation at the hearing in accordance with the factors. Provide facts and proof to support each factor.

FACTORS TO BE CONSIDERED BY THE BOARD

1a. What possible detriment would the variance have on nearby properties?
How close are nearby structures? – Will your structure be visible to others or will it block a view? – Do you propose exterior lights?

1b. What impacts would the variance have on the character of the neighborhood?
Have others in the neighborhood received similar variances? – Does the Neighborhood contain similar structures with similar setbacks/heights etc.?
Is your property similar to or different from others in the area? – If several of your neighbors were to receive variances in the future similar to the one you now request, would the neighborhood be changed?

2. If you didn't get the variance, how else could you build what you want or accomplish your goal?
For example: different location or design; shorter fence; smaller deck; smaller overhang or addition?

3. What is Code requirement you seek to vary? _____

How large of a variance do you seek? _____

4. What impact or effect will the variance have on the current physical and environmental conditions in the area? Is there grading (or blasting) proposed? - Will you be paving previously unpaved surfaces? - Are you proposing to remove any vegetation? - Are there wetlands or other watercourses on site? - Will normal drainage patterns be affected? - How close are the nearest wells and septic systems? - Will the proposed use or activity produce emissions (noise or odors)? - Will traffic be increased? - Is the area considered scenic?

5. Is the variance requested as a result of a "self-created hardship"?
Was there a need for the variance when you purchased the property? - How long ago did you purchase the property? - Did you build the structure without a permit?
Is the need for a variance as a result of someone's mistake? Describe
