

VILLAGE OF UPPER NYACK ZONING BOARD OF APPEALS

board.secretary@uppernyack.gov | 845-358-0084

APPLICATION PACKET

USE THIS FORM FOR:

1. Area Variance Applications (Upper Nyack Zoning Law §12.3.3.2)
2. Use Variance Applications (Upper Nyack Zoning Law §12.3.3.1)
3. Interpretation Requests/Appeals (Upper Nyack Zoning Law §12.3.1 and §12.3.2)

APPLICATION PACKET CONTENTS

1. Submission Checklist.....	2
2. Land Use Board Contact Form	3
3. Zoning Board of Appeals Application Form	4
4. GML 809 Statement	11
5. GML 239 Referral Form	13
6. Public Hearing Notice Requirements	14

SUBMITTAL REQUIREMENTS

FOR APPLICATIONS THAT REQUIRE ONE OR MORE VARIANCES AND SITE PLAN APPROVAL, DO NOT SUBMIT VARIANCE APPLICATION UNTIL THE APPLICATION IS REFERRED TO THE ZBA BY THE PLANNING BOARD.

SUBMIT **TWO (2)** COMPLETE SETS OF APPLICATION MATERIALS TO THE ZONING INSPECTOR FOR A COMPLETENESS DETERMINATION. FOLLOWING THE COMPLETENESS DETERMINATION, THE ZONING INSPECTOR WILL ADVISE ABOUT THE REQUIREMENTS FOR THE FULL SUBMISSION TO THE ZONING BOARD OF APPEALS

ALL PLANS MUST BE COLLATED, STAPLED & FOLDED WITH THE TITLE BLOCK SHOWING. PLANS THAT DO NOT MEET THESE REQUIREMENTS WILL BE REJECTED.

FOR THE ZONING BOARD OF APPEALS SUBMISSION FOLLOWING DETERMINATION OF COMPLETENESS BY THE ZONING INSPECTOR, SUBMIT THE REQUESTED PAPER COPIES **AND** A PDF OF THE APPLICATION FORM, PROJECT NARRATIVE, PROJECT PLANS AND ANY ADDITIONAL SUPPORTING INFORMATION. SEE SUBMISSION CHECKLIST IN THIS PACKET FOR MORE INFORMATION. SUBMISSIONS WILL NOT BE DEEMED COMPLETE, AND, WHERE APPLICABLE, CANNOT BE REFERRED TO THE ROCKLAND COUNTY PLANNING DEPARTMENT, UNTIL THE **COMPLETE** ELECTRONIC SUBMISSION IS PROVIDED. THE ELECTRONIC SUBMISSION MUST BE **IDENTICAL** TO THE PAPER SUBMISSION.

SUBMISSION CHECKLIST
ZONING BOARD OF APPEALS APPLICATION

Submit **Two (2)** complete sets of application materials to the Zoning Inspector for a completeness determination.

**ALL PLANS MUST BE COLLATED, STAPLED & FOLDED WITH THE TITLE BLOCK SHOWING
 PLANS THAT ARE NOT COLLATED, STAPLED & FOLDED WILL BE REJECTED**

INCLUDED	WAIVER REQUESTED	DESCRIPTION	# OF COPIES FOR ZBA SUBMISSION (TO BE COMPLETED BY ZONING INSPECTOR)
		A completed Submission Checklist (this form)	
		A completed Contact Form	
		Application Fee- See Village of Upper Nyack Fee Schedule Notice Sign Fee- See Village of Upper Nyack Fee Schedule	
		Copy of deed to present owner of property. Agents/contract vendees must have written authorization from the owner.	
		General Municipal Law Section 809 Disclosure Form	
		Rockland County Department of Planning Referral Form for General Municipal Law Referrals, if applicable.	
		* A completed Application Form	
	Check here for Type II Actions	* For applications other than those pertaining to a 1, 2 or 3-family residence: (i) a Short Environmental Assessment Form, part 1 for SEQRA Unlisted Actions; (ii) a full Environmental Assessment Form, part 1 for SEQRA Type I Actions; or (iii) a written description regarding why the applicant believes the application qualifies as a Type II action under SEQRA (may be included in project narrative). EAFs available at DEC website: https://www.dec.ny.gov/permits/6191.html	
		* A copy of the Zoning Inspector's decision appealed from or citing the need for the variances.	
		* Copies of any memorandum issued by the Village Engineer issued during the Planning Board review process, if applicable.	
		* A descriptive project narrative in the form of a cover letter or separate narrative. The narrative must include, at a minimum, basic information about the property, including, but not limited to, where it is located, the existing improvements on the property, the proposed improvements, a description of the variances requested and whether approvals from other Village land use boards or other governmental agencies will be required.	
		*FOR USE VARIANCE APPLICATIONS ONLY: Competent financial evidence that the applicant cannot realize a reasonable return on the subject property for any permitted use.	
		* Site plan showing, at a minimum, the current and proposed improvements on the Property and, if an Area Variance is requested, the need for such variance should be indicated in the Zoning Compliance Table and the dimension of the variance must be shown on the plan.	
		* An existing conditions plan or current survey showing all improvements on the Property prepared by a licensed land surveyor.	

A PDF COPY OF ALL APPLICATION MATERIALS MARKED WITH AN * ABOVE COMBINED AS ONE PDF MUST BE SUBMITTED BY ELECTRONIC MAIL TO board.secretary@uppernyack.gov. THE PDF FILE NAME SHOULD REFERENCE THE ANTICIPATED MEETING DATE, PROPERTY ADDRESS AND BOARD (i.e. 20220420-123 N. BroadwayZBA.pdf).

**VILLAGE OF UPPER NYACK
LAND USE BOARD CONTACT FORM**

Project Name: _____

Project Street Address: _____

Section: _____ Block: _____ Lot(s): _____ Zoning District: _____

Applicant: _____

Address: _____

Phone #: _____ Email: _____

Owner: _____

Address: _____

Phone #: _____ Email: _____

Design Professional: _____

Address: _____

Phone #: _____ Email: _____

Design Professional: _____

Address: _____

Phone #: _____ Email: _____

Design Professional: _____

Address: _____

Phone #: _____ Email: _____

Attorney: _____

Address: _____

Phone #: _____ Email: _____

Other Representative (specify) _____

Address: _____

Phone #: _____ Email: _____

**VILLAGE OF UPPER NYACK
ZONING BOARD OF APPEALS APPLICATION FORM**

Project Name: _____

Applicant Name: _____

Project Street Address: _____

Section: _____ Block: _____ Lot(s): _____ Zoning District: _____

APPLICATION IS FOR (CHECK ALL THAT APPLY):

_____ **Area Variance**

_____ **Use Variance**

Use Requested: _____

_____ **Interpretation/Appeal**

Description of Proposed Project:

Are approvals from the Village of Upper Nyack Planning Board or Architectural Review Board required as a part of this project? _____ Yes _____ No

If yes, describe:

Have any Planning Board, Architectural Review Board or Zoning Board of Appeals Approvals been granted or denied for the Property in the past 10 years? _____ Yes _____ No

If yes, list all prior approvals and denials?

FOR AREA VARIANCES ONLY
(ALL QUESTIONS MUST BE ANSWERED)

1. Describe the improvement for which the variance is needed.

2. Describe the extent of the Variance(s)(use additional sheets if more space is needed).

IMPROVEMENT	REQUIRED DIMENSION	PROPOSED DIMENSION	EXTENT OF DEVIATION FROM CODE	
			Ft/sqft/# as applicable	%

AREA VARIANCE STANDARD
(use additional sheets if more space is needed)

3. Explain the benefit the applicant is seeking to achieve by the grant of the variance.

4. Will the grant of the proposed variance cause an undesirable change in the character of the surrounding neighborhood or cause a detriment to nearby property owners?

5. Explain how the granting of the variance is consistent with the character of the surrounding neighborhood.

FOR AREA VARIANCES ONLY
(ALL QUESTIONS MUST BE ANSWERED)

6. Can the benefit sought by the applicant be achieved by a means other than the grant of the variance? If no, explain in detail what other alternatives were considered and why such alternative means of accomplishing the benefit sought are not feasible.

7. Are the requested variances substantial? Explain the anticipated impact of the proposed variances.

8. Will the grant of the variance have an adverse effect on physical or environmental conditions in the surrounding neighborhood?

9. Was the zoning law imposing the restriction from which the variance is requested in place when the current owner purchased the property?

10. Is the applicant's difficulty self-created? If no, explain why not.

11. Describe all mitigation measures proposed to buffer or lessen the impacts of the proposed variance.

FOR USE VARIANCES ONLY
(ALL QUESTIONS MUST BE ANSWERED)

1. Describe the proposed use.

2. Explain why the applicant cannot realize a reasonable return for any of the uses permitted in the Zoning District in which the property is located.

3. Explain in detail why the alleged hardship relating to the property is unique and does not apply to a substantial portion of the district or neighborhood.

4. Describe the character of the neighborhood in which the property is located and explain why the grant of the use variance will not alter the essential character of the neighborhood.

5. Was the objectional regulation in place when the applicant acquired the property?

_____ YES _____ NO

6. Is the applicant's hardship self-created? If no, explain why not.

7. Describe all mitigation measures proposed to buffer or lessen the impacts of the proposed variance.

FOR INTERPRETATIONS/APPEALS ONLY
(ALL QUESTIONS MUST BE ANSWERED)

1. Summarize determination appealed from.

2. Describe with particularity the interpretation sought and explain in detail why the applicant believes it to be the correct interpretation of the law.

OWNER-APPLICANT'S CERTIFICATION

I, _____, hereby certify that I am the
(* _____) owner in the fee simple of premises located
at: _____

_____ described in a certain deed of said premises recorded in the Rockland County Clerk's
Office in Instrument No. _____.

Said premises have been in my/its possession since _____.

Said premises are also known and designated on the Village of Upper Nyack Tax Map as:
Section: _____ Block: _____ Lot(s): _____.

I hereby certify that the statements of facts contained in this application, including, but not limited to the contact form, application form, EAF, project narrative and all plans and other supporting documents are true to the best of my knowledge and belief.

I hereby give permission to members of the Planning Board, Zoning Board of Appeals, Architectural Review Board and/or supporting staff and consultants to enter upon the property that is the subject of this application at a reasonable time during the day upon reasonable notice.

Owner Signature: _____
Owner Name: _____
Mailing Address: _____

Sworn to before me this ____ day of _____ 20__.

Notary Public

NON-OWNER APPLICANT SIGNATURE PAGE

NON-OWNER APPLICANT’S CERTIFICATION

I, _____, hereby certify that I am the applicant herein and that I make this application with the knowledge, authorization and consent of the owner of the premises. I hereby certify that the statements of facts contained in this application, including, but not limited to the contact form, application form, EAF, project narrative and all plans and other supporting documents are true to the best of my knowledge and belief.

Applicant Signature: _____
Applicant Name: _____
Mailing Address: _____

Sworn to before me this ____ day of _____ 20__.

Notary Public

CERTIFICATION OF OWNERSHIP/OWNER’S CONSENT

I, _____, hereby certify that I am the
(* _____) owner in the fee simple of premises located
at: _____

_____ described in a certain deed of said premises recorded in the Rockland County Clerk’s
Office in Instrument No. _____.

Said premises have been in my/its possession since _____.

Said premises are also known and designated on the Town of Clarkstown Tax Map as: section:
_____ block: _____ lot(s): _____.

I hereby authorize _____ to make this application and I understand that any decision on
this application is binding on the Property.

I hereby give permission to members of the Planning Board, Zoning Board of Appeals, Architectural Review
Board and/or supporting staff and consultants to enter upon the property that is the subject of this application at
a reasonable time during the day upon reasonable notice.

Owner Signature: _____
Owner Name: _____
Mailing Address: _____

Sworn to before me this ____ day of _____ 20__.

Notary Public

VILLAGE OF UPPER NYACK
GENERAL MUNICIPAL LAW 809 STATEMENT

APPLICATION NAME: _____

APPEARING BEFORE (CIRCLE ALL THAT APPLY):

PLANNING BOARD		ARCHITECTURAL REVIEW BOARD
ZONING BOARD OF APPEALS		BOARD OF TRUSTEES

STATE OF NEW YORK) ss:

COUNTY OF _____)

_____, being duly sworn, deposes and says:
(deponent name)

1. Your deponent is over 18 years of age and (resides at) or (maintains an office at) [circle one]:

_____.

2. Deponent is the (a) applicant, (b) one of the applicants, (c) officer of applicant

_____ (state office held), (d) partner or principal in applicant. [circle applicable status].

3. To deponent's knowledge, the following state, county, Town of Clarkstown or Village of Upper Nyack officers or employees have an interest in the applicant as defined in General Municipal Law § 809 (for each person identified state his or her name, residence address and the nature and extent of his or her interest in the applicant; if none, so state):

_____(Signed)

Sworn to before me this ____ day of _____ 20__.

Notary Public

NEW YORK GENERAL MUNICIPAL LAW

§ 809. DISCLOSURE IN CERTAIN APPLICATIONS

1. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of a municipality shall state the name, residence and the nature and extent of the interest of any state officer or any officer or employee of such municipality or of a municipality of which such municipality is a part, in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant.
2. . For the purpose of this section an officer or employee shall be deemed to have an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them:
 - (a) is the applicant, or
 - (b) is an officer, director, partner or employee of the applicant, or
 - (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or
 - (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request.
3. [SECTION OMITTED (applies only in Nassau County)]
4. Ownership of less than five per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest for the purposes of this section.
5. A person who knowingly and intentionally violates this section shall be guilty of a misdemeanor.

ROCKLAND COUNTY DEPARTMENT OF PLANNING
REFERRAL FORM FOR GENERAL MUNICIPAL LAW REVIEWS

Municipality _____ **Date Sent** _____

Board: Planning _____ ZBA _____ Town/Village _____ **Meeting Date** _____

File Name _____

Contact Person _____

Address _____

Engineer/Architect _____

Referral Agencies

(Please indicate the agencies that have also received copies of this application)

____ RC Highway Department	____ NYS Thruway Authority
____ RC Division of Environmental Resources (Parks, Soil & Water, Env. Mgt.)	____ NY-NJ Trail Conference (Long Path)
____ RC Drainage Agency	____ Palisades Interstate Park Commission
____ RC Department of Environmental Health (Sewers, Water, Mosquito Code, Wells, Codes Initiative [RCI])	____ US Army Corps of Engineers
____ RC Sewer District No. 1	____ Federal Emergency Management Agency (Development within Floodplain)
____ NYS Department of Environmental Conservation	____ Adjacent NY Municipality(ies) _____
____ NYS Department of Transportation	____ Other _____

Pursuant to the General Municipal Law Article 12-B, Section

239 (n) Subdivision _____ # of Lots _____

239 (l) & (m): Site Plan _____ Variance _____ Special Permit _____ Zone Change/Amendment _____

Conditional Use Permit _____ Other _____ – Please list _____

Location of Parcel(s) _____

_____ **Acreage of Parcel (s)** _____

Street Address _____

The Property in Question Lies Within 500 Feet of:

____ County Road	____ State Road, Thruway, or Parkway
____ County Stream	____ State Park
____ County Park	____ Village, Town, or County Boundary (NY)
____ County or State Facility	____ The Long Path

Map _____ **Block** _____ **Lot(s)** _____ **Map Date (most recent revision)** _____

Map _____ **Block** _____ **Lot(s)** _____ **Zoning District** _____

Brief Project Description _____

Existing Sq. Footage _____ **Proposed Sq. Footage** _____

of Dwelling Units (when applicable) _____

Variances Needed (if applicable)

Required

Provided

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PUBLIC HEARING AND LEGAL NOTICE (ZONING LAW §11.5)

The Planning Board, ARB and ZBA are required to hold a public hearing on most of the applications they receive. The Village will cause notice of the hearing to be published in The Journal News at least 5 days before the date of the hearing.

The Applicant is required to provide notice of the public hearing as follows:

NEIGHBOR MAILING: The Applicant must mail the hearing notice to all owners of property located within 200 feet of the property that is the subject of the application (including properties within 200 feet of the subject property and located outside of the Village, if applicable). The Secretary to the Land Use Boards will provide the notice and the list of adjoining property owners to the Applicant. The notice must be sent by U.S. First Class Mail with a Certificate of Mailing **at least 5 days before the public hearing**. At least 2 business days before the public hearing, the Applicant must file proof of mailing of such notice with the Secretary to the Land Use Boards, which shall consist of: (i) a completed United States Postal Service Certificate of Mailing; (ii) an affidavit of mailing stating the date the notice was mailed and the names and addresses of the persons served with the notice; and (iii) all envelopes that were returned to the Applicant as undeliverable prior to the hearing. **Unless otherwise directed, the notice mailing need only be completed prior to the first session of the public hearing before the board; no additional notice mailing is required if the hearing is adjourned to a subsequent meeting.**

NOTICE SIGNS: The Applicant must post a notice signs provided by the Secretary to the Land Use Boards on the lot which is the subject of the application **at least 5 days before the public hearing** and must maintain the posted sign in place until the applicable Board has rendered its final decision on the application. The sign must be posted not more than 10 feet from each boundary of the lot that abuts a public street and must be visible to the public. The bottom edge of each sign so erected must be approximately 14 inches (but not more than 36 inches) above the ground. If the subject property abuts more than one road, additional signs shall be posted facing each public street on which the property abuts. If the property does not abut a public street, the Zoning Inspector will advise as to where the notice signs should be posted.