

Application # _____
Application Fee _____
Mail Fee _____

ZONING BOARD OF APPEALS (ZBA) APPLICATION FOR TOWN OF WARWICK, NEW YORK

APPLICANT(S) _____ TELEPHONE _____

ADDRESS _____ ZIP CODE _____

LOCATION OF PROPERTY _____

ZONING DISTRICT _____ TAX MAP SECTION ____ BLOCK ____ LOT ____

APPLICANT IS: OWNER _____ TENANT _____ OTHER _____

ATTORNEY _____ TELEPHONE _____

(or other legal representative of applicant)

ADDRESS _____ ZIP CODE _____

CHECK LIST OF APPLICATION REQUIREMENTS

- _____ 1. One copy of this application form completed in full, AND
- _____ 2. Fee of \$150 residential and \$250 commercial (if check, please make payable to Z.B.A., Town of Warwick), AND
- _____ 3. Ten copies of a plot plan with a scaled drawing showing improvements on property and the proposed new construction with distances from the lot lines that maybe applicable, AND
- _____ 4. One or more recent photographs of front and back of structure, AND
- _____ 5. Copy of Notice Of Disapproval from Building Inspector and/or Planning Board, or Other, AND
- _____ 6. Two copies of deed to property or executed contract of sale
- _____ 7. List of property owners within 300 feet of property

APPLICATION WILL NOT BE ACCEPTED UNLESS ACCOMPANIED BY ALL OF THE ABOVE REQUIRED SUPPORTING MATERIALS

PLEASE ANSWER ALL QUESTIONS 1 THRU 9

1. Are existing premises presently occupied? _____ Seasonally? _____ Year-Round? _____
Owner occupied? _____

2. Has improvement addition or construction been started? _____

3. Is a STOP WORK ORDER in effect as of this date? _____

4. A previous appeal has _____, has not _____ been made with respect to this decision of the Building Inspector or with respect to the property. Such appeal(s) was (were) in the form of _____ A requested interpretation. _____ a requested variance. _____ Date of Hearing.

5. Are the lands or buildings within five hundred (500) feet of?

_____ A. Boundary of any City, Town or Village.

_____ B. Boundary of any existing or proposed State or County park or other recreation Area.

_____ C. Right-of-way of any existing or proposed State or County parkway, thruway, Expressway, road, or highway.

_____ D. Right of way of an existing or proposed stream or drainage channel owned by The County or for which the County has established channel lines.

_____ E. Boundary of any existing or proposed State or County owned land in which a Public building or institution is or is proposed to be situated

6. State the Nature of the Appeal _____

7. Type of Appeal. Appeal is made herewith for:

_____ An interpretation of the Zoning Ordinance of Zoning Map.

_____ A variance to the Zoning Ordinance.

8. Nature of Request.

Section

Concerning

Purpose

From

To

9. State reason for Appeal, due to undue hardship and/or practical difficulties. _____

*Any additional information requested by the Zoning Board of Appeals must be submitted by the applicant not later than **120** days after the first hearing date. This application will be voided, if the applicant does not comply with the Zoning Board of Appeals' request by the 120 day after the first hearing date.

STATE OF NEW YORK)
COUNTY OF)s s

Sworn before me on this day of

Month _____ Date _____ 20 _____

Notary Public

Applicant's Signature

AGRICULTURE DATA STATEMENT
AGRICULTURAL & MARKETS LAW SECTION 305-a

Name and address of applicant

Is a use variance requested for lands within 500 feet of a farm operation located in an agricultural district?

Yes _____ No _____

If answer is yes, affix tax map or other map showing site of proposed project relative to the location of farm operation(s) identified and complete the following:

Location of project:

Street: _____ Sec ____ Block ____ Lot ____

Name and address of owners of land within agricultural district, which land contains farm operation(s) and is located within 500 feet of the applicant's boundary:

Description of project:

Dated: _____

Applicant

* Defined as the land used in agricultural production, farm buildings, equipment and farm residential buildings.

AREA VARIANCE

The following information is submitted in support of the application (the law does not require that all of the questions be answered in the negative to obtain a variance):

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of the variance(s) you request? Yes No

State the reason(s) for your answer.

2. Can the benefit you seek be achieved by some feasible method, other than the variance(s)? Yes No

State the reason(s) for your answers.

3. Is the requested variance(s) substantial? Yes No.

State the reason(s) for your answer.

4. Will the proposed variance(s) have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes No.

State the reason(s) for your answer.

5. Is the alleged difficulty self-created? Yes No.

State the reason(s) for your answer.

USE VARIANCE

You must prove necessary hardship to obtain a use variance. In order to prove unnecessary hardship, you must prove **all** of the following:

1. You cannot realize a reasonable return on property. The lack of return must be substantial and demonstrated by competent financial evidence. Can you show a lack of a substantial return? Yes No.

What financial evidence are you presenting?

2. The alleged hardship relating to the property in question must be unique, and not applicable to a substantial portion of the district or neighborhood. Is your hardship unique and not applicable to a substantial portion of the District or neighborhood? Yes No.

State the reason(s) for your answer.

3. The requested use variance, if granted, will not alter the essential character of the neighborhood. Will the use variance requested alter the essential character of the neighborhood? Yes No.

State the reason(s) for your answer.

4. The alleged hardship cannot be self-created. Is your hardship self-created? Yes No.

State the reason(s) for your answer.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

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
			<input type="checkbox"/>	<input type="checkbox"/>
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
			<input type="checkbox"/>	<input type="checkbox"/>
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				

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

Directions

1. **Time to file Appeal.** An appeal to the Board of Appeals must be taken within sixty(60) days after the filing of the order, requirement, decision, interpretation or determination of the administrative officer charged with the enforcement of the ordinance or local law by filing with such administrative official and with the Board of Appeals a Notice of Appeal specifying the grounds thereof and the relief sought.
2. **Relief Sought.** An appeal can request an interpretation and/or a variance.
3. **Definition.** (a) "Use variance means the use of land in a manner or for a purpose which is otherwise not allowed or prohibited by the applicable zoning regulations. (b) "Area variance" means the use of land in a manner which is not allowed by the dimensional or Topographical requirements of the applicable zoning regulations.
4. **Proof Necessary to obtain a Use Variance.** You must show that the applicable zoning Regulations and restrictions have caused unnecessary hardship. You must show that for each and every permitted use under the zoning regulations for the particular district where the property is located (1) you cannot realize a reasonable return, provided that the Lack of evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted will not alter the essential character of the neighborhood, and (4) that the alleged hardship has not been self-created
5. **Proof necessary to Obtain an Area Variance .** The Zoning Board must take into consideration the benefit to you if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. In making such determination, the Board must also consider the following:
(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 you can be achieved by some method, feasible for you to pursue, other than an area variance; (3) Whether the requested area is substantial; (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and (5) Whether the alleged difficulty was self-created.
6. **Appeal from Decision of Zoning Board.** Any person aggrieved by the decision may apply to the Supreme Court for review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceeding must be instituted within thirty (30) days after the filing of the Decision of the Board in the office of the Town Clerk.
7. **Town of Warwick Mailing Fees.** All mailing fees are due upon submittal of applications.
\$50 up to ten parcels
\$75 for 11-25 parcels
\$100 for 26 or more parcels

TOWN OF WARWICK

PLANNING BOARD MEETING DATES 2015

Submission Date (15 Sets - 21 Days Prior to Meeting)	Planning Board Workshop PB Meeting)	Planning Board Meeting (1st & 3rd Wednesday of Each Month)
December 17, 2014	December 29, 2014	January 7, 2015
December 31, 2014	January 12, 2015	January 21, 2015
January 14, 2015	January 26, 2015	February 4, 2015
January 28, 2015	February 9, 2015	February 18, 2015
February 11, 2015	February 23, 2015	March 4, 2015
February 25, 2015	March 9, 2015	March 18, 2015
March 11, 2015	March 23, 2015	April 1, 2015
March 25, 2015	April 6, 2015	April 15, 2015
April 15, 2015	April 27, 2015	May 6, 2015
April 29, 2015	May 11, 2015	May 20, 2015
May 13, 2015	May 25, 2015	June 3, 2015
May 27, 2015	June 8, 2015	June 17, 2015
June 10, 2015	June 22, 2015	July 1, 2015
June 24, 2015	July 6, 2015	July 15, 2015
July 15, 2015	July 27, 2015	August 5, 2015
July 29, 2015	August 10, 2015	August 19, 2015
August 12, 2015	August 24, 2015	September 2, 2015
August 26, 2015	September 7, 2015	September 16, 2015
September 16, 2015	September 28, 2015	October 7, 2015
September 30, 2015	October 12, 2015	October 21, 2015
October 14, 2015	October 26, 2015	November 4, 2015
October 28, 2015	November 9, 2015	November 18, 2015
November 11, 2015	November 22, 2015	December 2, 2015
November 25, 2015	December 7, 2015	December 15, 2015
December 16, 2015	December 28, 2015	January 6, 2016

ZONING BOARD OF APPEALS MEETING DATES 2015

Submission Date (15 Sets - 21 Days Prior)	Meeting Date (4th Monday Each Month)
January 5, 2015	January 26, 2015
February 2, 2015	February 23, 2015
March 2, 2015	March 23, 2015
April 6, 2015	April 27, 2015
May 4, 2015	May 25, 2015
June 1, 2015	June 22, 2015
July 6, 2015	July 27, 2015
August 3, 2015	August 24, 2015
September 7, 2015	September 28, 2015
October 5, 2015	October 26, 2015
November 2, 2015	November 23, 2015
December 7, 2015	December 28, 2015
January 4, 2016	January 25, 2016