



## ZBA Variance Application Package

***PLEASE 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.***

Fill out the application to the best of your ability. The Zoning Board Secretary can help you if necessary. All submissions to the Zoning Board of Appeals must be submitted a minimum of 12 days prior to scheduled meeting to be placed on the agenda for review. **See page 6 for list of all items that must be submitted.**

You will receive correspondence from the ZBA Secretary of your first meeting date. Meetings are typically held on the second Monday of each month at 7:30pm at the Philipstown Town Hall, 238 Main Street, Cold Spring, NY. (Meeting schedule can be found at [philipstown.com](http://philipstown.com))

The initial review of the application by the ZBA will be to ensure completeness of the application only. **It is strongly recommended that you attend this meeting to ensure all documentation has been submitted and is in order.**

If the application is deemed complete, a public hearing date will be set and the applicant will be notified of any additional requirements of the board. The ZBA may require more than one public hearing to decide your case. If so, you will be advised of any further public hearings.

Applicants must be prepared to present facts and any additional information the board may need at the time of the public hearing.

When the ZBA is satisfied that they have all the necessary information, they will close the public hearing and take a vote on your case, whether to approve or deny your application.

After your final vote is taken by the ZBA you should contact the Building Department for further instructions and assistance.

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 required by town code.

A copy of the Zoning Code and Zoning Map are available in the office of the Town Clerk and on [philipstown.com](http://philipstown.com).

**FEES: Payable at time of application.**

**Variance: \$100.00**

**Interpretation: \$200.00**

**Special Use Permit: \$500.00**

# ZBA Variance Application

APPEAL # \_\_\_\_\_ TAX MAP# \_\_\_\_\_

Final hearing date \_\_\_\_\_ Zoning Board Decision APPROVED/DENIED

Date application submitted \_\_\_\_\_

Application fee \$ \_\_\_\_\_ Escrow (if applicable) \$ \_\_\_\_\_ Received by \_\_\_\_\_

*Above section to be completed by the Building Department.*

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

I (we), \_\_\_\_\_

residing at \_\_\_\_\_

Telephone: home \_\_\_\_\_ cell \_\_\_\_\_

Email address: \_\_\_\_\_

HEREBY appeal the decision of (name and title) \_\_\_\_\_

whereby he/she

GRANTED \_\_\_ DENIED \_\_\_ a BUILDING PERMIT \_\_\_ a CERTIFICATE OF OCCUPANCY \_\_\_\_\_

For \_\_\_\_\_

*describe project and/ or proposal*

For property tax map # \_\_\_\_\_ in zoning district \_\_\_\_\_

**WHEN FILLING OUT APPLICATION, ATTACH ADDITIONAL PAGES IF 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 accessor'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:

- A.\_\_\_\_ a VARIANCE from the Zoning Code
- B.\_\_\_\_ an INTERPRETATION of the Zoning Code or Maps
- C.\_\_\_\_ a SPECIAL USE PERMIT under the Zoning Code

DETAILS OF APPEAL: **Complete only that section which applies to the appeal you are submitting.**

(A) 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:

(B) INTERPRETATION of the Zoning Code is requested.

(1) An exact statement of the interpretation requested is:

(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 \_\_\_\_\_

applicants name

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 \_\_\_\_\_ 20\_\_\_\_

Notary, \_\_\_\_\_ County \_\_\_\_\_

**SUBMISSION REQUIREMENTS For a VARIANCE, INTERPRETATION OR SPECIAL USE PERMIT.**

Please submit 8 individual packets for the ZBA. Each packet should contain one each of the below listed items.

**These items are very specific and MUST be complied with exactly.**

1. Completed application/appeal form.
2. Deed to property.
3. Building Department denial letter.
4. Building plans. **One of the 8 copies must have ORIGINAL professional seal & signature.**
5. Survey prepared by NYS licensed surveyor, showing all property lines, structures and dimensions to property lines. **One of the 8 copies of the survey must have ORIGINAL professional seal & signature.**
6. Certificates of Occupancy for any existing structures.
7. Owner authorization form (if acting on behalf of homeowner).
8. Contour maps as required by conditions (if applicable).

**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 weighted 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 1- 5 below and submit with your application (attach additional pages if necessary). 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.

**5 FACTORS TO BE CONSIDERED BY THE BOARD**

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by the granting of the area variance?

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2. Can the benefit sought be achieved by some method, feasible to pursue other than the area variance?

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3. Is the requested area variance substantial?

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4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

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5. Is the alleged difficulty self-created? (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)

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