

ZONING BOARD OF APPEALS

USE VARIANCE

CHECKLIST

THE FOLLOWING ITEMS MUST BE PRESENTED TO THE ZONING ADMINISTRATOR ON THE SUBMISSION DATE:

- ___ Application: Must state if the applicant is the owner, if not, consent will be required
- ___ Signatures: Must be original signatures
- ___ Letter of Consent: If required
- ___ EAF: Short Form if required
- ___ Survey: Supply survey of property.
- ___ Application Fee: Application fee may be paid in cash, or if paying by check, it must be a certified check, bank check, or money order written out to the 'Town of Wappinger' if over \$250.00. (Separate checks are required for application fees and escrow)
- ___ Escrow: Escrow may be paid in cash, or if paying by check, it must be a certified check, bank check, or money order written out to the 'Town of Wappinger' (Separate checks are required for application fees and escrow)
- 8 ___ Plans: Number of Plans to be delivered with application to ZBA Secretary



TOWN OF WAPPINGER
P.O. Box 324 ~ 20 MIDDLEBUSH ROAD
WAPPINGERS FALLS, NY 12590

Zoning Board of Appeals
Office: 845.297.1373 ~ Fax: 845.297.4558
Zoning Enforcement Officer
Office: 845.297.6257
www.townofwappinger.us

Application for a Use Variance

Appeal # _____ Dated: _____

TO THE ZONING BOARD OF APPEALS, TOWN OF WAPPINGER, NEW YORK:

I (We), _____ residing at _____ (phone), hereby appeal to the Zoning Board of Appeals from the decision/action of the Zoning Administrator, dated _____, 200__, and do hereby apply for a use variance.

Premises located at _____
Tax Grid # _____
Zoning District _____

1. Record Owner of Property _____
Address _____
Phone Number _____
Owner Consent: Dated: _____ Signature: _____
Printed: _____

2. Variance Request:

I(We) hereby apply to the Zoning Board of Appeals for a variance of the following requirements of the Zoning Code.

(Indicate Article, Section, Subsection and Paragraph)

Intended use, alteration, conversion and/or construction (Describe proposed project)

3. Reason For Appeal (Please substantiate the request by answering the following questions in detail. Use extra sheet, if necessary):

A. Are you able to make reasonable economic use of your property without a variance? Please set forth detailed financial evidence describing.

B. Is your property unique in the neighborhood that needs this type of a variance? Please explain your answer in detail.

C. If your variance is granted, will it change the kind of neighborhood in which your property is located? Please explain your answer in detail.

D. How did your need for a variance come about? Is your difficulty self created? Please explain your answer in detail.

4. List of attachments (Check applicable information)

() Financial (economic) statement. This statement should not be personal in nature. The information provided should relate directly to the property for which you are seeking a variance and should illustrate the monetary injury or undue hardship you are suffering without the variance.

() Survey Dated _____, Last Revised _____ and Prepared by _____

() Photos

() Drawings Dated _____

() Letter of Communication which resulted in application to the ZBA:
(e.g., recommendation from the Planning Board/Zoning Denial)

Letter from _____ Dated: _____
Letter from _____ Dated: _____

() Other (please list): _____

5. Signature and Verification

Please be advised that no application can be deemed complete unless signed below.

The applicant hereby states that all information given is accurate as of the date of application.

SIGNATURE _____ DATED: _____
(Appellant)

SIGNATURE _____ DATED: _____
(If more than one Appellant)

FOR OFFICE USE ONLY

A. The appellant () IS () IS NOT able to make reasonable economic returns on the property without a variance for each permitted use within this zoning district.

B. The appellant's property () IS () IS NOT unique in the neighborhood that needs this type of a variance.

C. If the variance is granted, () IT WILL () IT WILL NOT change the kind of neighborhood in which the property is located.

D. Is your difficulty self created? Please explain your answer in detail.

Conclusion: Therefore, it was determined the requested variance
Be GRANTED DENIED.

Conditions/Stipulations: The following conditions and/or stipulations were adopted by resolution
of the Board as part of the action stated above:

Findings & Facts Attached.

DATED: _____

ZONING BOARD OF APPEALS
TOWN OF WAPPINGER, NEW YORK

BY: _____
(Chairman)

PRINT: _____



Town of Wappinger
20 Middlebush Road
Wappingers Falls, NY 12590

Planning Department
Office: 845.297.1373 ~ Fax: 845.297-0579
www.broberti@townofwappinger.us

Owner Consent Form

To be filed when the applicant is not the building or property owner

Project # _____ Date: _____

Grid # _____ Zoning District: _____

Location of project: _____

Name of Applicant: _____
Print name and phone number

Description of project: _____

I _____, owner of the above
land/site/building hereby give permission for the Town of Wappinger to approve or deny the above
application in accordance with local and state codes and ordinances.

_____ Date _____ Owner's Signature

_____ Owner's Telephone No. _____ Print Name and Title ***

_____ Owner's Address

***If this is a Corporation or LLC please provide documentation of authority to sign.
If this is a subdivision application, please provide a copy of the deed.

617.20
Appendix B
Short Environmental Assessment Form

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 <input type="checkbox"/>
			YES <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 <input type="checkbox"/>
			YES <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	YES
	<input type="checkbox"/>	<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	YES
	<input type="checkbox"/>	<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	YES
	<input type="checkbox"/>	<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: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

Town of Wappinger Zoning Board of Appeals Use Variance Requirements

Please note that the following list is a standardized list but which may vary depending on the specific application submitted. However, the applicant should expect to provide at least the following information. Please note that proof of these values, events, and documents requested is required. Also, the standard escrow requested for a use variance by the Town of Wappinger is \$3,000.00.

- Purchase amount/cost basis
- Last appraisal as legal use property
- Tax Basis
- Sales attempt history to sell for legally allowed use - all particulars/names of agents, etc.
- Present valuation by the town and year last revaluation was performed
- Insured amount (current and at time of application)
- Real estate marketing comparative price analysis for legally allowed purpose
- Lease agreements for applicable years
- Current rent (receipts)
- Current overhead (checks), e.g. mortgage
- One-time expenses vs. recurring
- Annual income from the property
- Amounts realized by owners in terms of net profit
- Was property subdivided by owner's purchase?
- Tax returns for all years reflecting ownership of property
- Depreciation taken during life of ownership
- Amount left on the principal of the mortgage(s) on the property
- Amount of real estate taxes
- Capital improvements, if any

TOWN OF WAPPINGER



ZONING BOARD OF APPEALS
SECRETARY
Bea Ogunti - Ext. 122

ZONING ADMINISTRATOR
Barbara Roberti - Ext. 128

CODE ENFORCEMENT OFFICER
Susan Dao - Ext. 126
Salvatore Morello III - Ext. 142

FIRE INSPECTOR
Mark Lieberman - Ext. 127

CLERICAL ASSISTANT
Michelle Gate - Ext. 123

ZONING BOARD OF APPEALS

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TOWN BOARD
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William Ciccarelli
Ismay Czarniecki
Michael Kuzmicz

ZONING BOARD OF APPEALS
Howard Prager, Chairman
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Robert Johnston
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ZONING BOARD OF APPEALS

All applications fees are non-refundable.

2016

Variance Fee:

Residential

Area/Use Variance Fee:
\$250.00 Per Application**

Commercial

Area/Use Variance Fee:
\$500.00 Per Application**

Interpretations Fee:

Residential:
\$150.00 Per Application**

Commercial:
\$325.00 Per Application**

All applications are subject to an escrow account and associated fees when deemed by the ZBA

Please note that all applicants will be billed by the local newspaper for their Legal Notice.

ALL MAPS MUST BE FOLDED PRIOR TO SUBMISSION

**Administrative Regulation Of The Town Of Wappinger
Planning Board/Zoning Board**

Requirement for Escrow Funds

Section 1. Escrow Funds Established

By the authority granted by Section 240-110 of the Wappinger Zoning Ordinance and in order to ensure that the cost of any Engineering, SEQR Experts, Planning, Legal or other consultation fees incurred by the Town of Wappinger with respect to matters before the Planning Board/Zoning Board are borne by the applicants, there is hereby established an Escrow Fund. Upon filing an application for either Subdivision or Site Plan approval, the applicant shall deposit with the Town Controller, a certified check, sum of money in accordance with the table below. The Controller shall pay from these funds the fees charged by any professionals employed by the Planning Board with respect to the applicants project. Said fees shall be submitted by voucher and paid as approved by the Zoning Administrator. The applicant shall deposit additional funds into such account to bring its balance up to 100% of the amount of the full escrow deposit by the last day of each month. If such account is not fully replenished by the last day of the month, the approving agency shall suspend its review of the application. In the case of post-approval inspections and reviews involving construction, the Town may issue a stop work order. No subdivision plat or site development plan shall be endorsed or filed until all professional review fees charged in connection with the review of the project have been reimbursed to the Town. No building permit shall be issued unless all professional review fees charged in connection with the review of the applicant's project have been reimbursed to the town and a new escrow account has been established to cover all post-approval review costs, including but not limited to inspection of construction of roads and driveways. No Certificate of Occupancy shall be issued unless all professional fees charged in connection with the post-approval inspection and review of the project has been reimbursed to the Town. No refunds of any funds remaining on deposit in escrow shall be issued until all pertinent professional review charges have been paid and the final certificate of occupancy has been issued to the project, or where applicable, the road has been accepted by the Town and a one year maintenance period has expired.

Section 2. Calculation of Escrow Fund

For Subdivisions, the applicant shall deposit a sum calculated as follows:

A) <u>Number of Lots</u>	<u>Amount</u>
0-2	\$3,750.00
3-10	\$7,500.00
11-35	\$22,500.00
>35	\$52,500.00

For Site Plans & Regular Special Use Permits, the applicant shall deposit a sum calculated as follows:

B) <u>Square footage</u>	<u>Amount</u>
Up to 3,000	\$3,750.00
20,001 to 50,000	\$22,500.00
> 50,000	\$52,500.00

For Minor Applications, the applicant shall deposit and maintain a sum calculated as follows:

C) \$1,500.00

For Variances, the applicant shall deposit a sum determined by the Zoning Board of Appeals.

**Zoning Board of Appeals
Town of Wappinger
2016
Meetings & Submission Dates**

Meeting Dates

Tuesday, January 12, 2016
Tuesday, January 26, 2016
Tuesday, February 9, 2016
Tuesday, February 23, 2016
Tuesday, March 8, 2016
Tuesday, March 22, 2016
Tuesday, April 12, 2016
Tuesday, April 26, 2016
Tuesday, May 10, 2016
Tuesday, May 24, 2016
Tuesday, June 14, 2016
Tuesday, June 28, 2016
Tuesday, July 12, 2016
Tuesday, July 26, 2016
Tuesday, August 9, 2016
Tuesday, August 23, 2016
Tuesday, September 13, 2016
Tuesday, September 27, 2016
Tuesday, October 11, 2016
Tuesday, October 25, 2016
Tuesday, November 15, 2016
Tuesday, November 29, 2016
Tuesday, December 13, 2016

Submission Dates

Tuesday, December 22, 2015
Tuesday, January 5, 2016
Tuesday, January 19, 2016
Tuesday, February 2, 2016
Tuesday, February 16, 2016
Tuesday, March 1, 2016
Tuesday, March 15, 2016
Tuesday, March 29, 2016
Tuesday, April 19, 2016
Tuesday, May 3, 2016
Tuesday, May 17, 2016
Tuesday, June 7, 2016
Tuesday, June 21, 2016
Tuesday, July 5, 2016
Tuesday, July 19, 2016
Tuesday, August 2, 2016
Tuesday, August 23, 2016
Tuesday, September 6, 2016
Tuesday, September 20, 2016
Tuesday, October 4, 2016
Tuesday, October 25, 2016
Tuesday, November 8, 2016
Tuesday, November 22, 2016

PLEASE BE AWARE, submissions are due by noon on the submission date.
Zoning Board of Appeals meetings are held on **2nd and 4th Tuesday** of each month unless there is a holiday on that Tuesday, and then it will move to the Wednesday of the same week.