

Application # \_\_\_\_\_

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

Date: \_\_\_\_\_

APPLICANT IS: OWNER \_\_\_\_\_ TENANT \_\_\_\_\_ OTHER \_\_\_\_\_

Owner Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Name (if different from owner): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Attorney Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### **PARCEL INFORMATION:**

ADDRESS: \_\_\_\_\_

S-B-L: \_\_\_\_\_

ACREAGE: \_\_\_\_\_

ZONING DISTRICT \_\_\_\_\_

### **CHECK LIST OF APPLICATION REQUIREMENTS:**

- 1. One (1) hardcopy of application completed in full, AND emailed to: [planning@townofwarwickny.gov](mailto:planning@townofwarwickny.gov)
- 2. Fee: \$150 residential / \$250 commercial (payable to Town of Warwick ZBA)
- 3. Three copies of a survey with a scaled drawing showing improvements on property and proposed new construction with distances from the lot lines
- 4. Recent photographs of front and back of structure
- 5. Copy of Building Department Denial Letter a/o Planning Board Referral
- 6. One copy of deed to property or executed contract of sale

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

**PLEASE ANSWER ALL QUESTIONS 1 THRU 7**

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? (Yes or No)  
\_\_\_\_\_  
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 reason for Appeal due to undue hardship and/or practical difficulties:  
\_\_\_\_\_  
\_\_\_\_\_

7. Type of Appeal. Appeal is made herewith for:  
\_\_\_\_\_  
An interpretation of the Zoning Ordinance or Zoning Map.  
\_\_\_\_\_  
A variance to the Zoning Ordinance.

\*Any additional information requested by the Zoning Board of Appeals must be submitted by the applicant no 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 120th day after the first hearing date.

STATE OF NEW YORK ..... SS:  
COUNTY OF .....)

Sworn before me on this \_\_\_\_\_ day of

Month \_\_\_\_\_ Date \_\_\_\_\_ 20\_\_\_\_

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**Notary Public**

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**Applicant's Signature**

ZONING BOARD OF APPEALS (ZBA) FOR  
TOWN OF WARWICK, NEW YORK  
APPLICATION CERTIFICATION & PROXY STATEMENT

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all members, directors, officers and/or stockholders of each corporation or LLC owning more than five percent (5%) of any class of stock must be attached.

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COUNTY OF \_\_\_\_\_

STATE OF \_\_\_\_\_ SS:

I, \_\_\_\_\_, being duly sworn, hereby depose and say that all the above statements and the statements contained in the Zoning Board of Appeal application submitted herewith are true to the best of my knowledge.

\_\_\_\_\_  
Signature of Owner (or Applicant if different from Owner)

Title \_\_\_\_\_

Sworn before me this

\_\_\_\_\_  
Day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public

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PROXY STATEMENT (Completion required ONLY if applicable)

COUNTY OF \_\_\_\_\_

STATE OF \_\_\_\_\_ SS:

\_\_\_\_\_  
resides at \_\_\_\_\_, being duly sworn, hereby deposes and says that s/he resides at \_\_\_\_\_ in the County of \_\_\_\_\_ and

(Owner's Address)

State of \_\_\_\_\_, and that s/he is the Owner in fee of the premises (or the \_\_\_\_\_ of \_\_\_\_\_) described in the foregoing application and

(Official Title) (corporation/LLC which is the Owner in fee)

that s/he has authorized the above identified Applicant to make the foregoing application for Zoning Board of Appeals approval as described herein and to represent the Owner on all Zoning Board of Appeals matters.

\_\_\_\_\_  
Owner's or Official's Signature

Sworn before me this

\_\_\_\_\_  
Day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public

**AGRICULTURE DATA STATEMENT**  
**AGRICULTURAL & MARKETS LAW SECTION 305-a**

Name and address of applicant

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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:

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Description of project:

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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.

## Directions

1. **Time to File Appeal:** An appeal to the Board of Appeals must be made 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;
  - (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;
  - (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.

# TOWN OF WARWICK ZONING BOARD OF APPEALS

## State Environmental Quality Review (SEQR)

### Instructions for completing the Environmental Assessment Form (EAF) required for consideration of your application for an Area Variance or a Use Variance:

The EAF Mapper can generate a partially completed EAF for applicants/project sponsors—once a project location is defined, this GIS application will auto-populate several questions on Part 1.

Here are the steps:

1. Go to: <https://gisservices.dec.ny.gov/eafmapper/>
2. Click “Enter”
3. In the panel on the right side of the screen,
  - a. Step 1: Navigate to Area
    - i. Click “Locate Address”
    - ii. Type Street Address and click “Locate”
    - iii. Click “+” to zoom in until you can see the Tax Map property lines
  - b. Step 2: Define Project Site
    - i. Click “Select Tax Parcel”
    - ii. Click inside the boundaries of your Tax Lot
  - c. Step 3: Create Report
    - i. Click “Short Form, Part 1” or “long Form, Part 1” (most residential applications can use the Short Form)
    - ii. Wait for PDF to be generated and find it in your “Downloads” folder
4. Open the Short Form EAF PDF from your downloads folder and edit the additional details
5. Questions # 7, 23, 13a, 15, 16, & 20 will be partially completed for you based on publicly available data about your particular parcel. DO NOT ALTER THE PRE-CHECKED ANSWERS PROVIDED BY THE EAF MAPPER; doing so would constitute making a false statement to a government agency.
6. Print out the completed Short Form EAF, including the EAF Mapper Summary Report, (with the location map included), sign and date it, make a copy for yourself and submit the original to the Planning Department Secretary to supplement your application. See the attached copy for reference, but do NOT use the attached copy because some of all answers may be different on your property.