



Area Variance Application Instructions Zoning Board

123 Grand Street, Newburgh, New York 12550
Phone: (845) 569-7380 Fax: (845) 569-9700
www.cityofnewburgh-ny.gov

A. OVERVIEW

The applicant may complete and submit this form to the Department of Code Compliance to appeal a decision or determination made by the Building Inspector regarding area or dimensional requirements in the Zoning Ordinance. On this appeal, the Zoning Board of Appeals (ZBA) may grant an area variance from the Zoning Ordinance's area or dimensional requirements if the applicant, using this form, shows that the benefit of the area variance to the applicant outweighs the detriment to the health, safety, and welfare of the neighborhood or community by such grant.

In order to efficiently process every area variance request, it is important to strictly adhere to all deadlines. Please give yourself enough time to complete all of the required information before you make any submission. ***Administrative staff will not accept incomplete or late applications.***

For more information, see Article XII in the [City Code](#).

B. OBTAINING AN AREA VARIANCE

To file a written notice of appeal to the Building Inspector and Zoning Board of Appeals, the applicant must submit this application to the ZBA at the Department of Code Compliance within 90 days after the Building Inspector's denial letter is filed with the City Clerk's office. The Department of Code Compliance is located at the Old Courthouse at 123 Grand Street. The applicant must submit the application by the last business day of the month to have a hearing of appeals scheduled at the following monthly ZBA meeting. At the applicant's expense, notice of the hearing must be mailed to adjacent neighbors and published in the newspaper. The applicant must obtain a "variance list" of all properties within 500 feet of the subject property from the Assessor on the first floor of City Hall (83 Broadway) and obtain a copy of the public hearing notice from the ZBA Secretary at the Department of Code Compliance. Then, the applicant must place copies of the notices in English and Spanish into envelopes, stamp, and prepare the envelopes with the address of each property owner and a return address of City of Newburgh Zoning Board of Appeals, 123 Grand Street, Newburgh, N.Y. 12550 and return them with sufficient time for the ZBA Secretary to mail the notices. At least ten days prior to the hearing, the ZBA Secretary will publish a public notice in the newspaper, mail the notices by certified mail, and prepare affidavits of the publication and mailing, which the applicant must retrieve and submit to the ZBA. These affidavits then become part of the application. The ZBA will make a decision regarding the Area Variance Application within 62 days after the hearing closes, and a copy of the decision will be filed in the City Clerk's office and mailed to the applicant within five days of the decision. Unless otherwise specified by the ZBA, a decision on any appeal shall expire if the applicant fails to obtain any necessary building permit within 12 months of the date of such decision.

The ZBA meets on the fourth Tuesday of the month, in the Third Floor Council Chambers, City Hall, 83 Broadway, at 7:30pm unless otherwise posted.

C. AREA VARIANCE REQUEST CHECKLIST

All Area Variance applications must include the following to be accepted by the Zoning Board of Appeals: *(Please complete this checklist):*

<input type="checkbox"/> Denial Letter from Building Inspector: Letter communicating the Building Inspector's decision or determination that resulted in application for appeal to the ZBA. Informational Inspection Report or referral from City Planning Board is sufficient for this purpose.
<input type="checkbox"/> Plot Plan: Eleven (11) copies. If the area variance applied for involves any expansion of existing buildings or new construction on the site, then the applicant must submit eleven (11) copies of a complete plot plan of the proposed expansion drawn to scale with accurate dimensions, showing the location of all existing and proposed structures on the lot in sufficient detail to enable the zoning board to determine compliance with PART II B(1)-(6) below.
<input type="checkbox"/> Site Context Map: Eleven (11) copies. Please submit eleven (11) copies of a site context map showing the zoning of the parcel in question, as well as the zoning of all adjacent properties.
Fees. All area variance applications must include the appropriate fee, by check, made payable to "City of Newburgh". <input type="checkbox"/> Residential Fee: \$150. <input type="checkbox"/> Commercial Fee: \$250. <input type="checkbox"/> Public Hearing Fee: \$50 for Variance List + Postage
<input type="checkbox"/> Short or Long Environmental Assessment Form: Whether environmental review is required and if required whether to use a Short or Long Environmental Assessment Form depends on the location, type and size of the project. <i>Note:</i> Many area variance applications do not require environmental review, including granting of individual setback and lot line variances or granting of an area variance(s) for a single-family, two-family or three-family residence. For additional guidance, please refer to State Environmental Quality Review Act (SEQRA) online at: http://www.dec.ny.gov/regs/4490.html . Environmental Assessment Forms are available from the Department of Code Compliance or online at http://www.dec.ny.gov/permits/6191.html . If SEQRA applies, the City recommends that you use the EAF Mapper Application, which will generate partially filled-in EAFs at www.dec.ny.gov/eafmapper/ .
<input type="checkbox"/> Coastal Assessment Form (CAF): Only required for property located in the Waterfront Revitalization Area Boundary <u>and</u> that require environmental review under SEQRA. <i>Note:</i> Find Waterfront Revitalization Area Boundary map at: http://docs.dos.ny.gov/communitieswaterfronts/LWRP/Newburgh_C/Original/NewburghSI.pdf Find Chapter 159, Waterfront Consistency Review at: http://ecode360.com/28160802 Find CAF at: [Insert link to new CAF application] A referral will be made to the Conservation Advisory Council for an advisory opinion.



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Department of Code Compliance
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APPEAL NO.: _____

Joanne Lugo, Chairperson
(Type or print in dark ink)

Eliana Diaz, Secretary

PART I – General Information

A. PROPERTY INFORMATION:

Street Address:					
City:	Newburgh	State:	NY	Zip:	12550
Property Area (Acres):					
Tax Map Designation:	Section:		Block:		Lot(s):
Zoning District:		Flood Insurance Zone: (find at: https://msc.fema.gov)			

B. PROPERTY OWNER (If different from Applicant):

Name:					
Address:					
City:		State:		Zip:	
Phone:					
Fax:					
Email:					

C. APPLICANT: (If applicant is not owner, owner must complete attached proxy statement in Part IV of this form, confirming authorization of applicant.)

Name:					
Address:					
City:		State:		Zip:	
Phone:					
Fax:					
Email:					

PART II – Appeal Request

The applicant must fill in all sections under Part II of the application completely. A variance constitutes relief from the strict application of Zoning Ordinance requirements, and the Zoning Board of Appeals is required to give sound reasons, based on the information contained in this application, for granting this relief. The applicant should add as much detail as possible when completing B (1)-(6) in Part II of this application to enable the ZBA to balance the benefit of the variance to the applicant against the detriment to the health, safety, and welfare of the neighborhood or community. Attach additional information to this application as necessary.

A. SUBJECT TO APPEAL

Pursuant to Section 300-114 of the Zoning Ordinance, this application, relative to the above referenced property, constitutes an appeal from the decision or determination* of the Administrative Official of the Zoning Ordinance (the Building Inspector of the City of Newburgh).

Name of Official:

**Please attach a copy of the decision or determination appealed.*

B. AREA VARIANCE REQUEST

I/We, _____, hereby apply to the Zoning Board of Appeals for a variance from the following requirements of the Zoning Ordinance:

Indicate below the area variances that are needed:

Zoning Limit	Required	Provided	Variance Requested
Parking			
Lot Area			
Lot Width			
Lot Depth			
Front Yard			
Side Yard			
Rear Yard			
Building Height			
Other:			
Other:			
Other:			

- (1) List in as much detail as possible the specific benefits to the applicant of the requested variance(s):

- (2) Explain whether the granting of the variance(s) will produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties:

- (3) Explain if the granting of the variance(s) is necessary or whether the benefit to the applicant can be achieved by some other feasible method, other than an area variance:

- (4) Explain if the requested variance(s) is substantial, and if not, explain why it is not substantial:

- (5) Explain if the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. If not, please justify why it won't have an adverse effect.

- (6) Explain if your need for an area variance is the result of self-created difficulties on your part. If not, please explain how the difficulties are not self-created.

K. Signatures

By signing this application the applicant attests that, to the best of his or her knowledge, all information provided herein is accurate and truthful. The undersigned further agrees the subject premises may be entered and inspected by any City Staff, Board, or Commission members responsible for of the review or approval of this application.

Applicant Signature

Date

For Department of Code Compliance Use Only:

Plans Reviewed By: _____
Specifications Reviewed By: _____
Application Approved By: _____
Receipt No.: _____
Census Code No.: _____
Fees Paid: _____

Date: _____



Owner's Proxy Statement

Department of Code Compliance

123 Grand Street, Newburgh, New York 12550

Phone: (845) 569-7380 Fax: (845) 569-9700

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COMPLETE THIS FORM ONLY IF APPLICANT IS OTHER THAN OWNER.
THE FOLLOWING STATEMENT MUST BE SIGNED AND NOTARIZED

A. Property Information:

Street Address:					
City:	Newburgh	State:	NY	Zip:	12550
Tax Map Designation:	Section:	Block:	Lot(s):		
Zoning District:					
<i>(find at):</i> http://www.cityofnewburgh-ny.gov/sites/newburghny/files/file/file/map.pdf					
Flood Insurance Zone:					
<i>(find at):</i> https://msc.fema.gov					

B. Property Owner:

Name:					
Address:					
City:		State:		Zip:	
Phone:					
Fax:					
Email:					

C. Applicant: (Party making application on owner's behalf)

Name:					
Address:					
City:		State:		Zip:	
Phone:					
Fax:					
Email:					

C. Owner Proxy Statement:

_____ swears that s/he is the owner of the subject property; that _____, the applicant of the signed application, is the – Agent /Corporate Officer /Contractor /Other _____ – of said owner or owners and is duly authorized to perform said work and to make and file this application; that all statements contained in the application are true to the best of his/her knowledge and belief; and that work will be performed in the manner set forth in the application and in the plans and specifications filed therewith.

Owner Signature: _____ Date: _____

Notary Public: _____ Date: _____