



Town of Deerpark Zoning Board of Appeals Application

*******READ CAREFULLY AND FOLLOW DIRECTIONS*******

*******FAILURE TO COMPLY CAN RESULT IN DELAY AND PROBLEMS*******

The Zoning Board meets the Third (3rd) Thursday of each month, starting at 7:30PM, unless otherwise notified. Town of Deerpark, Town Hall, 420 Route 209, Huguenot, New York. To be placed on the agenda contact the Secretary at (845) 856-2210, Ext 9.

1. The following are required in order to have a matter before the Zoning Board of Appeals:
 - (A) Denial from the Building Inspector OR
 - (B) Referral/Denial from the Planning Board OR
 - (C) Request for an interpretation from any person aggrieved, or by any officer, Department, or Board of the Town.
2. You can expect a MINIMUM of Three (3) months time frame encompassing three (3) meetings to obtain a decision.
 - A. Pre-Submission Meeting 7:30PM (First Meeting);
 - B. Public Hearing Meeting 7:30PM (Second Meeting), which may be adjourned or continued to a subsequent meeting; and
 - C. Decision Meeting 7:30PM (Third Meeting)
3. Pre-Submission Meeting:
 - A. Ten (10) Days PRIOR to the Pre-Submission Meeting Eight (8) copies of the following must be submitted to the Town Clerk:
 1. Completed application including a copy of the tax map showing the property.
 2. Application Fee One Hundred Seventy Five Dollars (\$175.00) must be paid to the Town of Deerpark and the receipt must be submitted with the application.
 3. Letter briefly explaining the project.
 4. Short Form EAF (Environmental Assessment Form).
 5. Proof Applicant(s) own property involved, or written permission from owner.
 6. Survey Map or Site Plan, EACH PLAN FOLDED.
 7. Denial or referral from Building Inspector or Planning Board or Town Board.
 - B. You or a representative must appear at the Pre-Submission Meeting to present your request.
 - C. Public Hearing scheduled or second review meeting.
 - D. Revised Plans may be requested. Must be submitted Fourteen (14) days PRIOR to scheduled Public Hearing. If not submitted on time Public Hearing will be postponed.
4. ZBA Members may view your property prior to the Public Hearing.



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5. Prior to Public Hearing:
 - A. Ten (10) days before the date of the Public Hearing each owner appearing on the adjoining owner's list, in compliance with the Town's Zoning Law, must be forwarded a copy of the form letter by Certified Mail, Return Receipt Requested. Proof of mailing the receipts of Certified mailings must be delivered to the Board at the Public Hearing. Check owners in adjacent Municipalities if part of property is in or adjacent to an adjoining Municipality.
 - B. The ZBA will place a Public Hearing Notice in the Legal Section of the Times Herald Record as notification to the general public.
6. Public Hearing 7:30PM (2nd Meeting)
 - A. You or a Representative present your case.
 - B. In order for the Zoning Board of Appeals to grant a variance you must present evidence of practical difficulties or unnecessary hardship, as defined in the Town Zoning Law, and New York State Statutes.
 - C. If you are requesting an AREA VARIANCE you must show evidence regarding each and every one of the following:
 1. That the benefit to the Applicant, if the Variance is granted, outweighs the detriment to the Health, Safety and Welfare of the Neighborhood or Community;
 2. That no undesirable change will be produced in the character of the neighborhood, nor any detriment to nearby properties created by the granting of the requested variance;
 3. Whether the variance requested is substantial;
 4. Whether there is any other feasible method by which the Applicant may obtain the benefit sought by the area variance except by granting said area variance;
 5. Whether the proposed variance would have any adverse impact or effect on the physical or environmental conditions in the neighborhood or district;
 6. Whether the alleged difficulty was self-created, which consideration shall be relevant to the determination of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the variance; and
 7. That within the intent and purpose of this Chapter, the variance, if granted, is the minimum variance necessary to afford relief. To this end, the Board may permit a lesser variance than that applied for.



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D. If you are requesting a **USE VARIANCE** you must prove that applicable Zoning Ordinances have caused an unnecessary hardship by presenting evidence regarding, and Proving each and every one of the following as it would apply to each and every permitted use in the Zone in which the property is located:

1. After considering all permitted uses, that the Applicant cannot realize a reasonable return if used only for a purpose allowed in that District. The lack of reasonable return must be significant and must be proved by competent financial evidence;
 2. That the alleged hardship is due to unique circumstances affecting the property which is the subject of the application and does not apply to a substantial portion of the District or neighborhood;
 3. That the use to be authorized by the variance will not alter the essential character of the neighborhood;
 4. That the unnecessary hardship claimed as a ground for the variance has not been created by the owner or by a predecessor in title. Each purchaser of Real Property shall be presumed to have negotiated the price and other terms full knowledge of the permitted uses and restrictions on the property; and with
 5. That within the intent and purpose of this Chapter, the variance, if granted, is the minimum variance necessary to afford relief. To this end, the Board may permit a lesser variance than that applied for.
7. Decision Meeting 7:30PM (Third Meeting)
 8. IMPORTANT: "Unless construction is commenced and diligently pursued within SIX (6) MONTHS of the date of the granting of a variance, such variance shall become null and void, unless renewed by application for extension to the ZBA".
 9. Planning Board Process if applicable or contact the Building Inspector to obtain Permit(s).



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OFFICE USE:

APPEAL NUMBER _____

DATE _____

USE VARIANCE ()

AREA VARIANCE ()

SPECIAL PERMIT ()

INTERPRETATION ()

Name of Applicant(s): _____

Physical Address: _____

Mailing Address: _____

Phone Number: _____ Email Address: _____

Location of Property: _____

Section: _____ Block: _____ Lot: _____ Zone Designation _____

Representative for Applicant: _____

Phone Number: _____ Email Address: _____

REASON(S) FOR APPLICATION:

1. Is property within 500 feet of County or State Highway, County or State property, or boundary of another Municipality? Yes () No ()

2. Soil Classification and Area _____

(SEE BUILDING DEPARTMENT)

3. Provision(s) of the Town of Deerpark Zoning Law from which applicant appeals. (State Article, Section and Paragraph of pertinent Ordinance/Law).

4. An appeal is made herewith for:

() An interpretation of the Zoning Law or Map.

() A variance to the provisions of the Zoning Law Map.

() An extension to an existing variance or permit. (Expiration Date _____).

Signature(s) of person(s) making application

Date



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SITE INSPECTION AUTHORIZATION

I HEREBY GIVE PERMISSION TO MEMBERS OF THE ZONING BOARD OF APPEALS OF
THE TOWN OF DEERPARK, THE ENGINEER FOR THE TOWN OF DEERPARK,
THE ATTORNEY FOR THE TOWN OF DEERPARK, OR ANY OF THEIR AGENTS AND/OR ASSIGNS
TO ENTER UPON MY PROPERTY,

LOCATED AT _____,

TOWN OF DEERPARK, STATE OF NEW YORK, COUNTY OF ORANGE.

DESIGNATED UPON THE TAX ROLLS OF THE TOWN OF DEERPARK AS

SECTION _____ BLOCK _____ LOT _____

IN ORDER TO PERSONALLY INSPECT SAID PREMISES IN ORDER TO EVALUATE

THE APPLICATION FOR _____

AFFECTING THE SAID PREMISES.

DATE: _____

SIGNATURE OF OWNER OF PROPERTY

Print Name of Owner of Property



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Notice of Adjoiner's List for a Public Hearing

Dear Town of Deerpark Assessor:

The following Application is before the Zoning Board of Appeals and has a scheduled public hearing date. Please provide the adjoiner's list for the property address provided below.

Applicant Name: _____

Owner Name: _____

Property Address: _____

Section: _____ Block: _____ Lot(s): _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Fax Number: _____

Thank You,

***Scheduled Public Hearing Date: _____**

**(All certified mailings must be date stamped
10 days prior to the public hearing.)**

(Applicant's Signature)

***Please fill out all information, public hearing date will be filled in by Board Secretary.**

***Public Hearing date will be set by Zoning Board of Appeals after application is submitted.**