



TOWN OF SOUTHEAST ♦ ZONING BOARD OF APPEALS

PLEASE READ ALL Instructions for Zoning Variance Application

1. In order to seek a variance from the Zoning Board of Appeals (ZBA), an applicant **must first receive a denial letter from the Building Inspector and/or Town Code Enforcement Officer or a referral from the Planning Board of the Town of Southeast.**
2. Before filing your application, it is recommended that the applicant come before the ZBA for an optional Work Session. This will better prepare you and the Board for a Public Hearing the following month. To schedule time at a work session, call the ZBA Administrative Assistant at (845) 279-7736 to secure time at the work session at least five business days before the ZBA meeting.
3. **Original and nine (9) copies of your fully completed application -- and a check to cover the applicable fees -- must be filed with the ZBA Administrative Assistant (at 1 Main Street, Brewster, NY 10509) by noon on the last Friday of the month in order to secure a place on the agenda for the following month's ZBA meeting, the date of which will be provided to you when you apply. Your application must include the following completed forms/documents:**
 1. **Form #1** – Pages One and Two
 2. **Form #2**
 3. **Form #3** – Fill out this form and take it to the Tax Assessor's Office at Town Hall, 1360 Route 22, Brewster, NY to obtain a list of all property owners with 300/500 feet -- as instructed in the denial letter you received from the Building Department OR via your referral from the Planning Board. (Attach a copy of the mailing list to the form.)
 4. **Form #4** – Complete this form and **mail it to each name** on the list you received from the Tax Assessor (excluding your own) by **Certified or Registered U.S. Mail (return receipt required) AT LEAST 10 DAYS PRIOR TO THE ZBA PUBLIC HEARING** at which you are scheduled to appear. You may include a copy of your denial letter from the Town Code Enforcement Officer.
 5. **Form #5** – Complete the affidavit of mailing and **have it notarized.**
 6. A copy of your **denial letter from the Town Code Enforcement Officer or your referral letter from the Planning Board.**
4. **When you come to the ZBA Public Hearing, please bring the following:**
 - a. A copy of your completed application, Forms 1 through 5 (for your reference).
 - b. Your **original notarized** affidavit of mailing (for the ZBA files).
 - c. Receipts from the Post Office indicating the mailings were sent (for the ZBA files). These receipts **MUST be stapled or clipped together in the same order as they appear on the list you received from the Tax Assessor's Office.** (Please do not put them in alphabetical order.)
 - d. A survey prepared by a licensed surveyor, a licensed architect or a licensed professional engineer which sets forth the proposal before the ZBA, if not already attached to your application packet (photocopies are permitted).
 - e. Any other pertinent information with extra copies to circulate: letters from neighbors, associated maps, photographs, surveys and any prior variances granted on the property.
5. Anyone speaking for the record will be sworn in at the Public Hearing.

Area Variance Fee \$175.00
Use Variance Fee \$400.00

Interpretation Fee \$200.00
Administrative Appeal \$250.00

FORM #1 – PAGE 1

**Town of Southeast
Application to Zoning Board of Appeals**

Application No: _____
(To be provided by ZBA Administrative Assistant)

Application Date: _____, 20____

Tax Map ID: _____

Application For: (circle applicable)

a.) Interpretation of Zoning Map: _____

b.) Special Permit under Section _____ of the Ordinance

c.) Variance:

d.) Appeal of Building Inspector or Zoning Enforcement Officer (must attach letter)

Request related to the following provision of the Zoning Ordinance:

Name of Property Owner _____

Address: _____

Phone Number: _____

If Separate Property:

Property Involved: _____

Address: _____

Phone Number: _____

1.) Purpose of Request:

FORM #1 – PAGE 2

2.) Justification of Request:

3.) Previous Appeals regarding the subject premises (state the application numbers, dates and purpose of requests):

4.) The owner should submit with this application supporting materials including plans, elevations, landscaping diagrams, traffic circulation diagrams, neighborhood land use maps, property survey, photographs of property and any other materials that will assist the Board to understand the request. List attachments here:

Property Owner's Signature _____ **Date** _____

Print Name of Property Owner _____

By: (sign here if not owner) _____

Relationship: (title, law firm, architect, etc.) _____

I am making the application on behalf of _____ and hereby state that I know the contents thereof are true to my own knowledge, except for those matters which I have stated to be alleged on information and belief, and as to those matters, I believe them to be true. I make this statement and application knowing that the Zoning Board of Appeals shall rely upon it.*

*NOTE: The willful submission of false or inaccurate information on this application may result in the dismissal of the application, or the revocation of any action taken on the application, or both.

FORM #1 – PAGE 3

FOR OFFICE USE ONLY (DO NOT WRITE BELOW THIS LINE):

Verify that all of the following fees have been paid and that the escrow account is in good standing:

Building Permit Application No.	
Date Received	
Date of First Hearing	
Date of Second Hearing	
Date of Subsequent Hearing(s)	
Action: Application Approved	Application Rejected:

Fees	Amount	Paid (Y/N/NA)
Area Variance	\$175.00	
Use Variance	\$400.00	
Interpretation Fee	\$200.00	
Administrative Appeal	\$250.00	
TOTAL PAID:		
CHECK #		DATE:

FORM #2

**TOWN OF SOUTHEAST ZONING BOARD OF APPEALS
DISCLOSURE STATEMENT ACCOMPANYING APPLICATION, PETITION OR REQUEST**

1. Identification of Application, Petition or Request:

a. To: Southeast Zoning Board of Appeals

b. Name of Applicant, Petitioner or Person (Firm) making request:

c. Date: _____, 20__

d. Address: _____

e. Nature of Application, Petition or Request:

2. Nature and Extent of Interest of any State Official or Municipal Office or Employee in this Application, Petition or Request (set forth in detail)

The undersigned Applicant, Petitioner or Person (Firm) making request certifies by signature on this Disclosure Statement that, in accordance with the previous provisions of Sec. 809 of the General Municipal Law, except as stated in No. 2 above, no State Officer or any other Officer or employee of the Town of Southeast or of any municipality of which the Town is a part has any interest in the person or Firm (partnership or association) making the above application, petition or request.

(Signed) _____
(Applicant, Petitioner or person (Firm) making request)

By (if not owner) _____

Date: _____, 20__

FORM #3

**TOWN OF SOUTHEAST ZONING BOARD OF APPEALS
NOTIFICATION TO PROPERTY OWNERS WITHIN 100/300/500 FEET**

To the best of my knowledge and to the extent of the records in the Assessor's Office currently in the Town of Southeast the following is a complete list of property owners within 100 or 300 or 500 feet (as required by §138-44 of the Town Code) of the property under consideration by the Zoning Board of Appeals as a result of this application.*

Applicant: _____

Address: _____

Date: _____

Attach list of names and addresses of property owners that you received from the Town of Southeast Tax Assessor's Office to this page or write them in the space below:

*NOTE: The willful submission of false or inaccurate information on this application may result in the dismissal of the application, or the revocation of any action taken on the application, or both.

FORM #4

**TOWN OF SOUTHEAST ZONING BOARD OF APPEALS NOTIFICATION LETTER TO BE SENT* TO
PROPERTY OWNERS ON LIST PROVIDED BY THE TAX ASSESSOR'S OFFICE**

PLEASE BE ADVISED that the undersigned, applicant before the Zoning Board of Appeals in the Town of Southeast, has made application for a variance (describe) as follows:

The location of the lot or land to which this application pertains is: _____

and shown and designated on the Town of Southeast Tax Map ID: _____

The provision of the Zoning Ordinance under which the application is made is (quote ordinance):

A brief description or identification of the proposal follows:

A Public Hearing has been scheduled on this application on the ____ day of _____, 20__ at the Town of Southeast Town Hall, 1360 Route 22, Brewster, NY 10509, at 8 pm. This notice is sent in accordance with the regulations of the Southeast Zoning Ordinance.

_____ Applicant

By: _____
(Print name and address below if not owner)

***Applicants must send this notice to each name of the list provided by the Tax Assessor either by Certified or Registered U.S. Mail (return receipt required) AT LEAST 10 DAYS PRIOR TO THE ZONING BOARD OF APPEALS MEETING at which this application will be heard.**

FORM #5

**TOWN OF SOUTHEAST ZONING BOARD OF APPEALS
AFFDAVIT OF MAILING
(MUST BE NOTARIZED)**

State of New York

County of Putnam

_____ being duly sworn deposes and says:

I reside at:

As an applicant for a variance, I have mailed a notice by U.S. Postal Service Certified or Registered Mail, to the owners of all the lots in this town, including the Village of Brewster, within the distance prescribed by Town Code §138-44 from the lot or land to which the application pertains, of which owners and their addresses are indicated in the current Town Tax Assessor's records.

Applicant Signature

Sworn to before me

this _____ day of _____, 20_____